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THE POLITICAL REASON OF EDMUND BURKE

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THE POLITICAL REASON OF EDMUND BURKE

Francis P. Canavan, s.J.

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*To
Anna
and
Terry
and
Little Rose*

Foreword

What role can reason play in politics? In an age in which increasingly the role of reason not only in politics but in other areas of human activity as well is being disparaged, it is helpful to turn for guidance to a thinker who claimed neither too much nor too little for that role, to a statesman who has appropriately been called "the prophet of political common sense." Although distrustful of abstract and speculative reason, of what today we would call ideological thinking, Edmund Burke recognized that social order is the product of practical reason or prudence. It is the thesis of this book that Burke "presents a way of thinking and a mode of reasoning about politics and its problems which makes it possible to approach them rationally, while avoiding both unprincipled expediency and doctrinaire idealism." This book helps us to understand Burke as a Christian humanist who has something significant to say to those of us in the twentieth-century who are still concerned with the perennial problem of reconciling political necessity with moral principles.

The author of this book is Francis P. Canavan, S.J., who graduated from Fordham University in 1939. Upon graduation he entered the novitiate of the Society of Jesus and in 1941 became a member of that Order. After several years of study and teaching at various institutions he began studies for the degree of Ph.D. in Political Science at Duke University in 1952. During the year 1954-55 he went to England on a Rockefeller Foundation fellowship in order to pursue his research on Edmund Burke. He received the Ph.D. degree from Duke University in 1957. During the

summer of 1958 Dr. Canavan participated in the first Summer Research Conference sponsored by the Lilly Endowment Research Program in Christianity and Politics at Duke University. He is presently serving as Chairman of the Department of History and Political Science at St. Peter's College, Jersey City, New Jersey.

It should be understood, of course, that although the publication of this book was made possible by funds provided by Lilly Endowment, Inc., the Endowment is not the author or publisher and is not to be understood as approving, by virtue of its grant, any of the statements or views expressed in the pages that follow.

John H. Hallowell, *Director*
Lilly Endowment Research Program
in Christianity and Politics

Preface

This study is a contribution to the current reinterpretation of Edmund Burke's political thought. Burke has generally been taken in Great Britain and America for a utilitarian and empiricist gifted with a keen sense of the actual and a profound awareness of history, tempered however by religious mysticism. Students of Burke have always seen in him the leader of a revolt against doctrinaire rationalism, and certainly will continue to do so. But many have understood him to carry the revolt to the point of dethroning reason and putting in its place passion, imagination, and tradition as the final guides of political conduct. It is this understanding of Burke that is now being questioned. Recent studies have sought to show that his political philosophy was not radically antirational, but rather took its premises from the intellectualist metaphysic of the classical and medieval tradition. This interpretation, in my opinion, situates Burke in the tradition in which he rightly belongs, and is the view adopted here.

Room is still left, however, for further elucidation of Burke's meaning within that tradition. The present work is offered as a more detailed analysis of Burke's conception of reason in politics than has yet been made. Burke's political thought, as presented here, supposes the doctrine of natural law in its medieval form and relates it to the problems of politics through practical reason and prudence. I do not mean to labor the point of the derivation of Burke's ideas, but students of Aristotle and Aquinas will notice a marked similarity between their theory of practical reason and his. Be the derivation what it may, I submit in any case that

practical political reason is the key to the peculiarly Burkean way of thinking about politics. In the pages that follow I shall attempt to show in detail how Burke understood reason to function in political affairs and how this conception of political reason gave form and structure to his whole political philosophy.

I have tried as a rule to avoid passing judgment on the soundness or accuracy of Burke's estimate of historical personages or events. Warren Hastings may have been an innocent man and Edmund Burke his unjust accuser, but my only concern has been with the principles in the light of which Burke condemned Hastings. So too with the other great issues of Burke's political career, the American crisis, British rule in Ireland, the French Revolution and its effects on radical ideology in Great Britain: it has been necessary to assume Burke's point of view in order to analyze it, but I do not claim sufficient knowledge or historical competence to say with certainty in any case whether Burke was right or wrong.

For the most part I have used material long available to students of Burke. Some of the material used, however, is comparatively new. No previous writer on Burke, so far as I know, has examined at first hand the textbooks studied by Burke in his college course. These books are described in Appendix A and reference is made to them at several points in footnotes. The document entitled "The Voice of Reason," from which several passages are quoted in Appendix B, is of doubtful authenticity, but is of sufficient importance to merit presentation here. Mention ought also to be made of Edmund and William Burke's *Notebook*, which has been published since I first read it, but of which little use has been made up to this time in studies of Burke's thought. Finally, I have read a large part of Burke's correspondence in the Fitzwilliam collection of manuscripts at Sheffield and Lamport Hall. The publication of this and other parts of Burke's

córréspondence by the University of Chicago Press has already commenced with the appearance in 1958 of a first volume edited by Professor Thomas W. Copeland. But the sections of this hitherto unpublished correspondence cited in this work have seldom been used by previous students of Burke's political theory.

In quoting from manuscript material, the original spelling has been retained. Whenever, to my knowledge, material has appeared in print, reference has been made to the printed rather than to the manuscript source. I have not, however, cited Professor Copeland's edition of Burke's correspondence because it appeared too late for me to do so. It has been somewhat arbitrarily assumed that every individual piece in the Rivington edition of Burke's *Works* was intended to be in some sense a public document, and so the titles of these works have been italicized when cited. An exception has been made only for Burke's speeches in the impeachment of Warren Hastings which, for the sake of brevity, are referred to simply as "Hastings Trial." Finally, in the citation of documents, dates placed in brackets are only probable ones and are not offered as certain.

I have to acknowledge the gracious permission of Her Majesty the Queen of England to make use of material from the Royal Archives at Windsor. Thanks are also due to the Right Honourable the Earl Fitzwilliam and the trustees of the Wentworth-Woodhouse Muniments for permission to examine and use the Burke correspondence and papers now on deposit in the Sheffield Central City Library; and to Earl Fitzwilliam and the Northamptonshire Archives Committee for use of the Burke correspondence in Lamport Hall, Northampton. Further acknowledgment is made to the Pierpont Morgan Library in New York, and to Mr. H. V. F. Somerset of Worcester College, Oxford, for the use of Burke manuscripts in their possession.

The first chapter of this book appeared in the *Journal of Politics* in February 1959 under the title, "Edmund Burke's Conception of the Role of Reason in Politics"; and Appendix A appeared in *Notes and Queries* in December 1957 under the title, "Edmund Burke's College Study of Philosophy." The editors are thanked for permission to reprint this material. Finally, more than ordinary thanks are due and are gratefully offered to Professors John H. Hallowell and R. Taylor Cole of Duke University, who have read the typescript and made invaluable suggestions. The views expressed in this study, of course, are mine alone and no responsibility for them ought to be attributed to others.

List of Abbreviations

The chief primary sources cited in the footnotes will be referred to by the following abbreviated titles:

Fitzwilliam MSS. This refers both to the Burke correspondence and papers which form part of the Wentworth-Woodhouse Muniments, and are now on deposit in the Sheffield Central City Library, and to the Burke correspondence in the custody of the Northamptonshire Archives Committee in Lamport Hall, Northampton, both sets of manuscripts being the property of the family of the Earls Fitzwilliam. The place of deposit will be indicated in parentheses after each citation.

Works. *The Works of the Right Honourable Edmund Burke.* 16 vols., London, the Rivington edition, 1803-1827.

Corr. *The Correspondence of the Right Honourable Edmund Burke.* Edited by Charles William, Earl Fitzwilliam, and Sir Richard Bourke. 4 vols., London, 1844.

Speeches. *The Speeches of the Right Honourable Edmund Burke in the House of Commons and in Westminster-Hall.* 4 vols., London, 1816.

French Laurence Corr. *The Epistolary Correspondence of the Right Hon. Edmund Burke and Dr. French Laurence.* London, 1827.

Windham Corr. *Correspondence of Edmund Burke & William Windham.* Edited by J. P. Gilson. Cambridge, 1910.

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Part One

BURKE'S THEORY OF REASON

Chapter One

PRACTICAL REASON AND POLITICS

BRITISH and American students of Burke have generally understood his political philosophy to be a form of utilitarianism and empiricism. In the nineteenth century, to mention but two examples, Leslie Stephen interpreted Burke as rejecting metaphysics in favor of utilitarian principles derived solely from experience,¹ and John Morley took it as obvious that Burke's norm of political morality was "the standard of convenience, of the interest of the greatest number, of utility and expediency."² In the present century the late Harold Laski described Burke as "a utilitarian who was convinced that what was old was valuable by the mere fact of its arrival at maturity." According to Laski, political philosophy for Burke "was nothing . . . but accurate generalization from experience. . . . Nothing was more alien from Burke's temper than deductive thinking in politics. The only safeguard he could find was in empiricism."³

Laski, like several other writers, traced Burke's empiricism back to what he considered to be its roots in the critical theories of David Hume. "The metaphysics of Burke," he said, "so far as one may use a term he would himself have repudiated, are largely those of Hume."⁴ An American,

¹ *History of English Thought in the Eighteenth Century* (2 vols.; London, 1881), II, 223-227.

² *Edmund Burke: A Historical Study* (London, 1867), 151.

³ *Political Thought in England from Locke to Bentham* (New York, 1920), 236-237.

⁴ *Ibid.*, 157.

Victor Hamm, surmised that Burke, in revolt against the "decadent nominalism" which he had studied in Trinity College, Dublin, had turned, not to Hume, but to the similar epistemological theory of David Hartley.⁵ More recently, Morton Frisch has advanced the thesis that Burke agreed with Aristotle in regard to practice but parted company with him by rejecting the supremacy of theory. Rather, he says, Burke adopted the position taken by Hume in his *Treatise of Human Nature* and maintained that the passions, and not reason, form the natural basis of our morals, our opinions, and our lives.⁶ It would follow, of course, that Burke, in adopting Hume's epistemology, did not so much accept Hume's metaphysics as agree with him in rejecting metaphysics altogether.

But the rejection of a rational metaphysic entails the denial that there is a rationally apprehended natural law which is the foundation of morality. That Burke drew this inference is also asserted. Thus George Sabine says that "in a sense Burke accepted Hume's negations of reason and the law of nature."⁷ Samuel Huntington speaks of "Burke's denial of natural law," and asserts that the theory of natural law is inherently opposed to conservative doctrines such as his.⁸ Finally, Maurice Cranston said, in an essay read on the British Broadcasting Corporation's Third Programme not long ago, that Burke dismissed natural law and liberty, equality and the rights of man "on wholly positivistic grounds." As Mr. Cranston reads Burke, natural law "which was not written down and which no authority administered" was "a fiction, a myth, a metaphysical abstraction with no real content." And so once again Burke is seen as an empiricist for whom the function once performed by the doctrine of

⁵ "Burke and Metaphysics," *Essays in Modern Scholasticism*, ed. A. C. Pegis (Westminster, Md., 1944), 207-208.

⁶ "Burke on Theory," *Cambridge Journal*, VII (1954), 292-297.

⁷ *History of Political Theory* (New York, 1950), 607.

✓ ⁸ "Conservatism as an Ideology," *American Political Science Review*, LI (1957), 459 n. 6.

natural law was fulfilled by "a deep emotional faith in tradition."⁹

✓All of these students of Burke, it is evident, agree in situating him in the tradition of British empiricism. I find this interpretation not wholly false but seriously defective and in some respects flatly contrary to Burke's expressed convictions. Burke's denunciations of "metaphysics" and "theory," and his exhortations to reliance on "experience" and "expediency" are of course well known. But certain questions must be asked: what did he mean by theory and metaphysics, what did he think was to be learned from experience, and what was the relation of expediency to the moral principles which he also undoubtedly held? The answer to these questions lies in Burke's conception of the role of reason in politics. We must therefore analyze what Burke himself said about the way in which human reason properly functions when dealing with political matters, and then relate this conception of political reason to the moral theory that lay behind it.

1. *Political Reason and Prudence*

Burke did not often use the term "political reason." More often he spoke simply of "reason," or of political or civil wisdom, or of prudence. All of these terms, however, are broadly interchangeable in his writings and need not be carefully distinguished. Burke's preoccupations were preeminently practical, and so reason for him was usually practical political reason, by the exercise of which the statesman prudently directed public action to public ends. "It is the business of the speculative philosopher to mark the proper ends of government," he said. "It is the business of the politician, who is the philosopher in action, to find out proper

⁹ "Burke and the French Revolution," *The Listener*, LVII (17 Jan., 1957), 100-101.

means towards those ends, and to employ them with effect."¹⁰ Burke thought habitually as "the philosopher in action." For him political reason was concerned with the adaptation of means to ends, or in more modern terminology, with policy formation and decision making.

The Object of Political Reason

An analysis of Burke's doctrine of political reason should begin with its object, namely, the communal good to be achieved. As has been said, political reason directs public action. But action, as distinguished from pure thought, aims at the good and not at the true: and therefore political reason is concerned with what is good rather than with what is true. The good of which we speak here is not necessarily the good in the moral sense. Men may do what they know to be morally bad, but they always act for the sake of what they consider to be in some sense good for themselves. In Burke's phrase, "Man acts from adequate motives relative to his interest."¹¹ We shall point out below, on the other hand, that genuinely prudent action, as Burke conceived it, always supposed a morally good end. The point to be made here, however, is that action, and therefore that function of reason which directs action, is concerned with attaining goals which men find good rather than with propositions which they find true.

"Political problems," to use Burke's own words, "do not primarily concern truth or falsehood. They relate to good or evil."¹² Another way of saying the same thing would be that political questions are questions of right or wrong. By "right" we mean that which is properly directed to its end. One does not ask whether a decision is true (a meaningless question), but whether it is well calculated to attain the

¹⁰ *Thoughts on the Cause of the Present Discontents* (1770), *Works*, II, 335.

¹¹ *Speech on Conciliation with the Colonies* (1775), *Works*, III, 112.

¹² *Appeal from the New to the Old Whigs* (1791), *Works*, VI, 210.

desired goal. In short, one asks whether the decision is right. That is to ask whether it will realize the good in view.

The end or good to be achieved is thus the standard of action, and so of practical judgment. Burke once wrote, "Proper action is an action directed to an End—& is tried by that End."¹³ Political action consequently will be "tried" by the specifically political end, "the good of the commonwealth."¹⁴ But the good of the community, in any form in which it can actually exist, is a concrete, practicable, complex, and imperfect good. The nature and mode of operation of political reason are therefore determined by these characteristics of its object.

First, then, the political good is *concrete*. Political reason is not concerned with the good in its abstract perfection. The object of the statesman's thought and effort is the concrete and limited good of the particular community which he has to govern, and not the good of man in the abstract. As Burke said, "the general character and situation of a people must determine what sort of government is fitted for them."¹⁵ But "the general character and situation of a people" is not merely an objective fact; it has its subjective and psychological side too. "People must be governed in a manner agreeable to their temper and disposition; and men of free character and spirit must be ruled with, at least, some condescension to this spirit and this character."¹⁶ To be more specific, the Americans, of whom Burke was speaking at this time, valued liberty. But liberty, as a mere concept taken without qualification, is practically meaningless. "Abstract liberty, like other mere abstractions, is not to be found.

¹³ Notes for a speech, undated, Fitzwilliam MSS (Sheffield), Burke Papers, Bundle 8i.

¹⁴ *Letter to Sir Hercules Langrishe* (1792), *Works*, VI, 318. Cf. *Works*, III, 182.

¹⁵ *Speech on Conciliation with the Colonies* (1775), *Works*, III, 76. Cf. *Works*, V, 330-333; VI, 133, 288; IX, 437 ff.

¹⁶ *Observations on a Late Publication intituled, The Present State of the Nation* (1769), *Works*, II, 166.

Liberty inheres in some sensible object; and every nation has formed to itself some favourite point, which by way of eminence becomes the criterion of their happiness."¹⁷ In England this was the right of the people to levy their own taxes through their representatives, and so too in America. If then the British government wished to reason rightly about governing the Americans, it would not ignore their conviction that self-taxation was of the essence of liberty, and liberty of the essence of the political good. To put the matter in general terms, political reason seeks to realize the good of a particular people and must take into account *their* notion of what that good is.

Closely related to the foregoing is the principle that the political good must be practicable. "The question," Burke once said, restating a favorite theme of his, "is not concerning *absolute* discontent or *perfect* satisfaction in government; neither of which can be pure and unmixed at any time, or upon any system. The controversy is about that degree of good-humour in the people, which may possibly be attained, and ought certainly to be looked for."¹⁸ Now, "practicable" means capable of being realized in the situation in which the statesman has to act. The elements of the existing situation necessarily limit the possibilities of action and therefore narrow the range of good attainable. As Burke put it, "No politician can make a situation. His skill consists in his well-playing the game dealt to him by fortune, and following the indications given by nature, times, and circumstances."¹⁹ Among the limiting factors may be mentioned the men with whom the statesman has to act and the resources available to him. "We have not the making of men," Burke said, "but must take them as we find them."²⁰ So too with resources. "Wisdom cannot create materials; they are the

¹⁷ *Speech on Conciliation with the Colonies* (1775), *Works*, III, 49-50.

¹⁸ *Thoughts on the Cause of the Present Discontents* (1770), *Works*, II, 268.

¹⁹ Burke to G. Elliot, 22 Sept. 1793, *Corr.* IV, 154.

²⁰ Burke to Rockingham, 25 Sept. 1774, *Corr.* I, 483. Cf. *Works*, VIII, 354.

gifts of nature or of chance; her pride is in the use."²¹ What the statesman can do is limited by circumstances beyond his control; and therefore the object of political reason is not an abstract ideal but a concrete reality within the boundaries of practical possibility.

✓ Thirdly, the political good is *complex*. "The nature of man," in Burke's words, "is intricate; the objects of society are of the greatest possible complexity."²² The good of the commonwealth is not a single and definable object, but rather is a vast network of relationships among men and goods which, as Burke said of the elements of the national economy, "in a length of time, and by a variety of accidents, have coalesced into a sort of body."²³ A particular political act or policy may aim at a definite goal. But it cannot aim at that alone. For the goal is always a part of or a means to the welfare of the whole community. Any particular political objective must therefore be attained in such a way as to contribute to the great general purpose, the common good of society. This again qualifies the object of political reason. The object must not only be practicable as considered in itself, but also as considered in its relations to all the other ends of political action. It is thus doubly limited, and although a particular political objective may be in itself simple and clear, when set in its full context it will be seen to be part of a vast, intricate, and therefore not fully comprehensible order.

✓ Finally, the realizable good of men in society, according to Burke, is not only limited but *imperfect*. It is necessarily conjoined with disadvantages and defects. In a letter written in November 1789 to the young Frenchman, DePont,²⁴ to whom he was later to address the *Reflections on the Revolu-*

²¹ *Reflections on the Revolution in France* (1790), *Works*, V, 286. This work will be cited henceforth as *Reflections*.

²² *Ibid.*, 125.

²³ *Observations on The State of the Nation* (1769), *Works*, II, 132.

²⁴ For the reasons why the name and date as given here are correct, see H. V. F. Somerset, "A Burke Discovery," *English*, VIII (1950/51), 171-178.

tion in France, Burke explained that "There is, by the essential fundamental constitution of things, a radical infirmity in all human contrivances; and the weakness is often so attached to the very perfection of our political mechanism, that some defect in it,—something that stops short of its principle,—something that controls, that mitigates, that moderates it,—becomes a necessary corrective to the evils that the theoretic perfection would produce."²⁵ Statesmen therefore ought not to aim at perfection, because they cannot attain it.

Twenty years earlier Burke had expressed the same thought in somewhat cynical terms: "Indeed, all that wise men even aim at is to keep things from coming to the worst. Those who expect perfect reformatations, either deceive or are deceived miserably."²⁶ Burke was not always so pessimistic in his attitude toward reform, but his conviction that un-mixed political good was unattainable remained constant throughout his life.

Political reason will therefore be prepared to tolerate evils, not because it is indifferent to good and evil, but because a "public-spirited prudence" sometimes demands a "compliance with the impracticable nature of inveterate evils."²⁷ Burke gave a fuller explanation of this principle in stating his views on religious toleration. "Toleration being a part of moral and political prudence, ought to be tender and large," he said. "A tolerant government ought not to be too scrupulous in its investigations; but may bear without blame, not only very ill-grounded doctrines, but even many things that are positively vices, where they are *adulta et praevalida*. The good of the commonwealth is the rule which rides over the rest; and to this every other must completely submit."²⁸

²⁵ *Corr.*, III, 117. Cf. *Speeches*, II, 161.

²⁶ Burke to Shackleton, 15 Aug. 1770, *Corr.*, I, 231.

²⁷ "On the State of Ireland" (1792), *Corr.*, IV, 71. Cf. *Works*, II, 391.

²⁸ *Letter to Sir Hercules Langrishe* (1792), *Works*, VI, 318.

But on the other hand, the necessary imperfection of all human good ought not to serve as a pretext for doing no good at all. "An imperfect good is still a good," as Burke wrote to DePont, and government ought to accomplish whatever good lay in its power.²⁹ As a general rule, perfection was not attainable. But the practicable political good, with all its limitations and imperfections, was within reach. That was and must be the object of political reason.

The Mode of Operation of Political Reason

It follows from what has been said concerning the object of political reason that the judgments of the statesman differ from those of the engineer. An engineer, working with purely mechanical forces, can determine the effectiveness of each force in mathematical terms and so predict with a high degree of accuracy the product even of complicated processes. The statesman cannot always do this. His "forces" are not often amenable to exact measurement. What is more, his judgments involve not only predictions of what will happen, but the comparison of values, some of which must be sacrificed to others, and a decision about which values are to be preferred. The process of political judgment in consequence is not the same as that of the engineer or the scientist. "Political reason," Burke said, "is a computing principle; adding, subtracting, multiplying, and dividing, morally and not metaphysically or mathematically, true moral denominations."³⁰

It was Burke's belief therefore that there is an "unavoidable uncertainty, as to the effect, which attends on every measure of human prudence."³¹ The reason is that the end sought for does not yet exist, but is to be brought into existence through action in a situation in which one cannot be

²⁹ *Corr.*, III, 118. Cf. *Works*, II, 434; *Speeches*, III, 439.

³⁰ *Reflections* (1790), *Works*, V, 126.

³¹ *Letter to a Member of the National Assembly* (1791), *Works*, VI 6. Cf. *Works*, II, 338.

sure that every factor has been taken into account and evaluated correctly. ✓ "The *means* to any end being first in order, are *immediate* in their good or their evil;—they are always, in a manner, *certainities*. The *end* is doubly problematical; first, whether it is to be attained; then, whether, supposing it attained, we obtain the true object we sought for."³² In this uncertainty, it is impossible to be sure that the means chosen will be successful. One can only estimate which means, given the circumstances, are most likely to be successful. The more complex the end to be attained, the more difficult this calculation will be.³³

In view of this uncertainty, which affects all practical reasoning, political reason distrusts a priori conclusions. Instead it utilizes experience. ✓ "The science of government," said Burke, "being therefore so practical in itself, and intended for such practical purposes, [is] a matter which requires experience, and even more experience than any person can gain in his whole life, however sagacious and observing he may be."³⁴ The possession of this science "depends on the knowledge of mankind, on experience in mixed affairs, on a comprehensive connected view of the various complicated external and internal interests which go to the formation of that multifarious thing called a state."³⁵ And this requires "rather a large converse with men and much intercourse in life, than deep study of books; though that, too, has its eminent service."³⁶

Burke said that he considered history "a great improver of the understanding," from which "much political wisdom may be learned."³⁷ The study of history furnishes a vicarious experience of a far wider range of human affairs than

³² Burke to DePont, Nov. 1789, *Corr.*, III, 118. Cf. *Corr.*, I, 373.

³³ *Works*, V, 124; VIII, 78-80.

³⁴ *Reflections* (1790), *Works*, V, 124-125. Cf. *ibid.*, 119-120, 304-306, 310-311; *Works*, II, 431; III, 48, 196; *Speeches*, III, 46, 226; IV, 34, 49.

³⁵ *Reflections* (1790), *Works*, V, 97.

³⁶ Hastings Trial, 15 Feb. 1788, *Works*, XIII, 39.

³⁷ *Remarks on the Policy of the Allies* (1793), *Works*, VII, 197.

it is possible for an individual to participate in personally. As such it is of value for the formation of the statesman's mind. But Burke immediately adds that political wisdom may be learned from history "as habit, not as precept." When taken as a binding precedent, history merely turns the mind from the present object, in regard to which one has to act, towards a past object of which in truth one knows very little. If history has that effect, it were better for a statesman not to have studied it at all.³⁸ The lessons of experience, in short, ✓ are indispensable but not conclusive.

Burke himself explained the limitations of reliance on experience in these terms:

The world of contingency and political combination is much larger than we are apt to imagine. We never can say what may, or may not happen, without a view to all the actual circumstances. Experience upon other data than those, is of all things the most delusive. Prudence in new cases can do nothing on grounds of retrospect. A constant vigilance and attention to the train of things as they successively emerge, and to act on X what they direct, are the only sure courses.³⁹

Prudent judgment in political affairs therefore demands the most thorough knowledge possible of the actual situation. The nature of political reasoning, furthermore, makes it difficult for one man alone to avoid mistakes. Particularly is this true when what is to be decided upon is not a single act or a limited policy but a comprehensive plan of action. "Political arrangement, as it is a work for social ends, is to be only wrought by social means. There mind must conspire with mind."⁴⁰

The conspiracy of mind with mind in turn makes compromise necessary and legitimate. The necessity of compromise arises from the selfish attachment of men to their own

³⁸ *Loc. cit.*

³⁹ *Thoughts on French Affairs* (1791), *Works*, VII, 50. Cf. *Works*, II, 165-166; *Corr.* III, 204.

⁴⁰ *Reflections* (1790), *Works*, V, 305. Cf. *Speeches*, III, 226.

opinions and interests, to be sure, but has the desirable effect of "preventing the sore evil of harsh, crude, unqualified reformation; and rendering all the headlong exertions of arbitrary power, in the few or in the many, forever impracticable."⁴¹ But compromise is required not only by human selfishness and obstinacy, but also by the nature of political reason. "For you know," Burke said, "that the decisions of prudence (contrary to the system of the insane reasoners) differ from those of judicature; and that almost all the former are determined on the more or the less, the earlier or the later, and on a balance of advantage and inconvenience, of good and evil."⁴² The striking of a balance connotes the partial sacrifice of each of the advantages which it is desired to secure. But this sacrifice is not merely the result of the selfishness of men whose interests are at stake. It would still be necessary were they all wholeheartedly devoted to the common good. "Compromise, 'the balance of advantage and inconvenience, of good and evil,' is of the essence of political reason, because it follows from the nature of realizable political good.

The Rules of Prudence

Burke's analysis of the nature of political good and of the mode of reasoning demanded by it led him to certain conclusions about the practical rules of political conduct. There were indeed rules: "the rules of prudence, which are formed upon the known march of the ordinary providence of God."⁴³ Men are to regulate their actions in the light of what they know ordinarily happens. But this knowledge does not supply them with certain or inviolable norms of conduct. "The rules and definitions of prudence can rarely be exact; never universal."⁴⁴

⁴¹ *Reflections* (1790), *Works*, V, 82.

⁴² *Letter to Sir Hercules Langrishe* (1792), *Works*, VI, 309. Cf. *Works*, III, 110-111.

⁴³ *Second Letter on a Regicide Peace* (1796), *Works*, VIII, 222.

⁴⁴ *First Letter on a Regicide Peace* (1796), *Works*, VIII, 87.

The rules of prudence, therefore, have a certain play or flexibility in them. But they are not for that reason valueless. As Burke said:

No lines can be laid down for civil or political wisdom. They are a matter incapable of exact definition. But, though no man can draw a stroke between the confines of day and night, yet light and darkness are upon the whole tolerably distinguishable. Nor will it be impossible for a prince to find out such a mode of government, and such persons to administer it, as will give a great degree of content to his people; without any curious and anxious research for that abstract, universal, perfect harmony, which while he is seeking, he abandons those means of ordinary tranquillity which are in his power without any research at all.⁴⁵

The rules of prudence thus have a certain usefulness if it is remembered that they are practical rules intended for the guidance of action and adjustable to the demands of particular situations, but not premises from which conclusions applicable to all situations can be drawn with strict logic.

✓ The essential difference between Burke's political thought and the type of thinking of which he accused his opponents is that he thought in terms of practical reason, and they, as he saw it, did not. That is to say, Burke thought primarily of the end to be achieved and then of the ways of attaining it in the given circumstances. The questions to be answered were: What do we really want? How must we act in order to obtain it?⁴⁶ But Burke's parliamentary adversaries during the American crisis and, later on, the French revolutionaries, if he understood them correctly, despised such practical considerations. They started from a premise of right and drew the logical conclusions regardless of consequences. Parliament had the right to tax the colonies and therefore would exercise it, though it led to rebellion. The French had the

⁴⁵ *Thoughts on the Cause of the Present Discontents* (1770), *Works*, II, 269.

⁴⁶ This preoccupation with ends and means appears with particular clarity in "Notes for Speeches—American War," undated, *Corr.*, IV, 478.

imprescriptible rights of men and would claim them, though they led to the ruin of existing society. Burke thought, in short, that his opponents, and in particular the French, were doctrinaires.

✓ J. L. Talmon has described the climate of opinion prevailing in the second half of the eighteenth century, when men "were gripped by the idea that conditions, a product of faith, time and custom, in which they and their forefathers had been living, were unnatural and had all to be replaced by deliberately planned uniform patterns, which would be natural and rational."⁴⁷ It was this "faith in a natural order and the immutable, universal principles deduced from it,"⁴⁸ which produced the revolutionary mentality of the 1790's and led Rabaud de St. Etienne, to take but one example quoted by Burke, to say in the National Assembly at Paris that "*il faut . . . tout détruire; oui, tout détruire; puisque tout est à recréer.*"⁴⁹ This was the sort of thinking which infuriated Burke and which he had in mind when he denounced "theory" and "metaphysics." He had told a Parliament bent on asserting its right to tax the American colonies that he was resolved "to have nothing at all to do with the question of the right of taxation." "The question with me," he said, "is, not whether you have a right to render your people miserable, but whether it is not your interest to make them happy."⁵⁰ ✓ The same practical cast of mind caused Burke to tremble with alarm when he heard the assertion of universally valid rights, derived immediately from the natural order, against which "let no government look for security in the length of its continuance, or in the justice and lenity of its administration," and which when recklessly preached to whole populations would "break prison to burst like a *Levan-*

⁴⁷ *The Origins of Totalitarian Democracy* (London, 1952), 3. Cf. "The Doctrinaire Mentality," *ibid.*, 135-138.

⁴⁸ *Ibid.*, 25.

⁴⁹ *Reflections* (1790), *Works*, V, 303 n.

⁵⁰ *Speech on Conciliation with the Colonies* (1775), *Works*, III, 74-75. Cf. *Works*, II, 131, 432-433.

ter, to sweep the earth with their hurricane, and to break up the fountains of the great deep to overwhelm us.”⁵¹

Against such “metaphysical” thinking in politics, Burke offered his conception of political reason operating according to the rules of prudence. Its function was to estimate properly ends which must be achieved or safeguarded, to evaluate the means for attaining the ends and the situation in which those means must be used, to combine all the elements of the situation into a consistent course of action, and finally to make those decisions which would translate its purposes into reality. Political reason connoted a mind which was never doctrinaire yet respected consistency, which consulted history and experience but was not bound by them, and which had a clear eye both for desirable goals and for the actual world in which they were to be realized. All this was implied in Burke’s notion of political reason and the virtue of prudence.

2. *Moral Theory*

Yet Burke’s theory of prudence did not deny the existence of a natural moral order. Above the level of the rules of prudence were the principles of moral law. Burke devoted much thought to relating these two levels to each other but did not carry his analysis all the way through to a systematic study of moral principles at their highest and most general level. As we shall presently show, in contradiction to the authorities quoted at the beginning of this chapter, Burke clearly took the postulates of his moral theory from a natural-law doctrine. But he always approached the doctrine from below, so to speak, that is, from the discussion of a concrete political or legal question. He was therefore content to assume the principles of natural law and was little concerned

⁵¹ *Reflections* (1790), *Works*, V, 120. Cf. *ibid.*, 394 ff.

with analyzing and elaborating the theory of natural law as such. That function, in his opinion, belonged to the schools, and there he was glad to leave it.

It would serve greatly to clarify Burke's thought, for example, if it could be shown that he distinguished, in the manner of the medieval schoolmen, between primary and immutable moral principles, and derived principles which are conditioned by circumstances and admit of exceptions in their application. Such a distinction would help to reconcile Burke's talk of "the eternal and immutable rules of morality,"⁵² with his apparently contradictory statement, "Nothing universal can rationally be affirmed on any moral, or any political subject."⁵³ But although there are strong reasons for believing that Burke had studied the Thomistic theory of natural law,⁵⁴ and while the distinction between conditioned and unconditioned moral principles seems to be implicit in his writings,⁵⁵ it is nowhere clearly explicated.

Nonetheless Burke did hold a natural-law doctrine. His early writings, it is true, would seem to contradict this proposition, and we shall have to meet this difficulty later on. But in his properly political writings, which we shall now consider, it is plain that Burke stated and used a full-blown theory of natural law, of whose metaphysical implications he was by no means unaware.

⁵² Hastings Trial, 7 May 1789, *Works*, XIV, 221.

⁵³ *Appeal from the New to the Old Whigs* (1791), *Works*, VI, 97.

⁵⁴ Sanderson's *De obligatione conscientiae praelectiones decem* (London, 1670) contains a treatise on natural law recognizably derived from Aquinas. Eustachius's *Ethica, sive summa moralis disciplinae* (Cambridge, 1655) is a handbook of Thomistic moral philosophy which, among other things, summarizes the treatise on prudence in the *Summa theologiae*, II-II, and bears a striking resemblance to Burke's theory of prudence. Both books were almost certainly studied in the regular course at Trinity College, Dublin, when Burke was a student there. For a further account of these and the other philosophical textbooks contained in Burke's course at Trinity, see Appendix A.

⁵⁵ As when he speaks of "the dreadful exigence in which morality submits to the suspension of its own rules in favour of its own principles." *Reflections* (1790), *Works*, V, 248. Cf. *ibid.*, 185.

Universal Order and Natural Law

The central idea in Burke's thought was that of order. As a statesman he was of course primarily concerned with the social and political order. But behind his conception of the order of society lay always the grand idea of the order of the universe. Sir Ernest Barker says of him, "The idea of the divine concordance of the Universe, which includes the State in its scheme, haunted the mind of Burke."⁵⁶ This feature of Burke's political thought is both undeniable and of primary importance. Despite his constant denunciations of "metaphysics," his thought had unmistakable metaphysical foundations and his understanding of the structure of the state and society was based on certain definite assumptions about the nature of the universe. "I love order so far as I am able to understand it," he once wrote, "for the universe is order."⁵⁷ To this notion of a universal order we must therefore turn our attention, because it is the supposition without which Burke's theory of political reason cannot be understood.

Burke's fundamental premises may be summarized in two propositions. First, that the moral law is the foundation and the framework of politics: "The principles of true politics are those of morality enlarged."⁵⁸ But secondly, that the moral law itself requires the existence of an intelligible world order. Burke's views on this point appear plainly in a passage which he directed against sceptics and in which he wrote:

Not contented with shewing, what is but too evident, the narrowness and imbecillity of the human understanding, they [the sceptics] have denied that it is at all calculated for the discovery

⁵⁶ "Burke on the French Revolution," *Essays on Government* (2nd ed.; Oxford, 1951), 218 n. 1.

⁵⁷ Burke to the Archbishop of Nisibi, 14 Dec. 1791, in H. V. F. Somerset, "Edmund Burke, England, and the Papacy," *Dublin Review*, CCII (1938), 140. Cf. *Works*, VIII, 30.

⁵⁸ Burke to an unnamed correspondent, *Corr.*, I, 332. Cf. *Works*, VI, 252; VIII, 189-191; XIII, 170; XV, 95.

and comprehension of truth; or, what amounts to the same, that no fixed order existed in the world, so correspondent to our ideas, as to afford the least ground for certainty in any thing. . . . It is evident that, if such an opinion should prevail, the pursuit of knowledge, both in the design and the end, must be the greatest folly. . . . It is evident too, that morality must share the fate of knowledge, and every duty of life become precarious, if it be impossible for us to know that we are bound to any duties, or that the relations which gave rise to them have any real existence.⁵⁹

In this passage Burke characteristically expresses his keen awareness of "the narrowness and imbecillity of the human understanding." But he also insists that there is a world order; that it can be known with certainty by men, despite the weakness of the human mind; and that our knowledge of the relations which form part of that order is the source of our moral obligations.

It is, however, in his statements concerning the natural moral law that Burke's conception of the relationship between the universal divine order and the rules of human conduct appears most plainly. There is not to be found in Burke's writings a formal treatise on the natural law, nor in view of the practical and *ad hoc* nature of his work is this surprising. But the doctrine is alluded to throughout his works and furnishes the premises of his most profound arguments. This is especially true of his early writings on Ireland, his criticism of British rule in India, and his attack on the revolutionary theory of the natural and imprescriptible rights of man. Perhaps the most explicit statement of Burke's

⁵⁹ Review of Beattie's *Essay on Truth* in *The Annual Register*, XIV (1771), 252. All references to *The Annual Register* in this study will be to book reviews. None of these reviews is signed, but only those will be cited which Professor Thomas Copeland considers with almost complete certainty to have been written by Burke. See his article, "Edmund Burke and the Book Reviews in Dodsley's *Annual Register*," *Publications of the Modern Language Association*, LVII (1942), 446-468. For later statements by Burke of the relation of morality to a universal order, see *Works*, IV, 84; V, 184.

natural-law doctrine occurs in his speech opening the trial of Warren Hastings, in which he said:

We are all born in subjection, all born equally, high and low, governours and governed, in subjection to one great immutable, pre-existent law, prior to all our devices, and prior to all our contrivances, paramount to all our ideas, and all our sensations, antecedent to our very existence, by which we are knit and connected in the eternal frame of the Universe, out of which we cannot stir. This great law does not arise from our conventions, or compacts; on the contrary, it gives to our conventions and compacts all the force and sanction they can have;—it does not arise from our vain institutions. . . . If then all dominion of man over man is the effect of the divine disposition, it is bound by the eternal laws of Him, that gave it, with which no human authority can dispense.⁶⁰

Burke's description of the natural law in this passage is strongly reminiscent of Cicero's, but differs significantly from the Roman orator's in that Burke assumes the Christian doctrine of divine creation as the source of the moral order. "I allow," he said in another place, "that if no supreme ruler exists, wise to form, and potent to enforce, the moral law, there is no sanction to any contract, virtual or even actual, against the will of prevalent power."⁶¹ The moral law finds its archetype in God, for it is derived from "that eternal, immutable law, in which will and reason are the same."⁶² But the moral law is not simply imposed on man from without: it is "the will of Him, who gave us our nature, and in giving impressed an invariable Law upon it."⁶³ The moral law

⁶⁰ 16 Feb. 1788, *Works*, XIII, 166. Cf. *Works*, III, 236, 422-423; V, 166, 180; VI, 321; VIII, 185; IX, 349-355, 368; *Corr.*, I, 332; III, 145; IV, 463; *Speeches*, I, 75, 151; III, 414, for statements of or allusions to the natural law. For the reason why Burke recurred directly to the natural law in speaking of India, but usually not when dealing with European affairs, see Peter J. Stanlis, *Edmund Burke and the Natural Law* (Ann Arbor, 1958), 88-89.

⁶¹ *Appeal from the New to the Old Whigs* (1791), *Works*, VI, 205.

⁶² *Reflections* (1790), *Works*, V, 180.

⁶³ *Tracts on the Popery Laws* (1761), *Works*, IX, 349-350.

therefore is not only transcendent, but is also immanent to man; it springs from his nature, but from his nature as created and formed by God. In acting in accordance with the natural law, man obeys God, but is at the same time most true to himself.

"The laws of morality," therefore, "are the same everywhere."⁶⁴ They apply in India as well as in England, for the Indians and the English are "cemented" to one another by the "law of a common nature."⁶⁵ Laws made by men are subordinated to the moral law and, indeed, are derived from it. "All human Laws," Burke said, "are, properly speaking, only declaratory; they may alter the mode and application, but have no power over the substance of original justice."⁶⁶

"Justice," therefore, "is itself the great standing policy of civil society,"⁶⁷ and constitutes an obligation superior even to "the demands of the people; whose desires, when they do not militate with the stable and eternal rules of justice and reason (rules which are above us, and above them) ought to be as a law to a house of commons."⁶⁸

The supremacy of the natural law of justice and reason was the ultimate explanation of Burke's statement that "government and legislation are matters of reason and judgment, and not of inclination,"⁶⁹ and lent him an air of sincerity when he said shortly before his death, "I have ever abhorred, since the first dawn of my understanding to this its obscure twilight, all the operations of opinion, fancy, inclination, and will, in the affairs of government, where only a sovereign reason, paramount to all forms of legislation and administra-

⁶⁴ Hastings Trial, 16 Feb. 1799, *Works*, XIII, 155-156.

⁶⁵ Hastings Trial, 15 Feb. 1788, *Works*, XIII, 21.

⁶⁶ *Tracts on the Popery Laws* (1761), *Works*, IX, 351. Cf. *Works*, III, 418-419; VIII, 185; XV, 90.

⁶⁷ *Reflections* (1790), *Works*, V, 283.

⁶⁸ *Speech on Economical Reform* (1780), *Works*, III, 236. Cf. Burke's remarks on the subordination of the courts of law to "the immutable principles of substantial justice," in *Report on the Lords' Journals* (1794), *Works*, XIV, 355, 385.

⁶⁹ *Speech at Bristol*, 3 Nov. 1774, *Works*, III, 19. Cf. *Works*, XIII, 169; *Corr.*, III, 107.

tion, should dictate.”⁷⁰ There is a sense, then, in which Burke can be called a political rationalist. Basically it is this, that he believed in an intelligible universal order, the product of the divine intelligence and the ruling norm for the operation of human reason in politics. All his political thought moved within the framework of a rational and moral universe. That framework constituted what I have called the metaphysical foundation of his theory of the state and society.

Yet Burke did not understand the natural moral law as a rigidly deductive system. Rather he had a subtle and empirical conception of it, which allowed him to say, “There are some fundamental points in which nature never changes—but they are few and obvious, and belong rather to morals than to politicks. But so far as regards political matter, the human mind and human affairs are susceptible of infinite modifications, and of combinations wholly new and unlooked for.”⁷¹ If Burke has a reputation as an empiricist and an apostle of expediency, it is because of his insistence on the necessity of taking concrete actuality in all its variety and flux into consideration in the making of political judgments. He was aware not only of the element of moral necessity in such judgments, but also of the vast area of contingency and mutability in them. “Circumstances perpetually variable,” he said, “directing a moral prudence and discretion, the *general* principles of which never vary, must alone prescribe a conduct fitting on such occasions.”⁷² The realm of prudence is situated by this passage: it lies between invariable general principles and constantly varying circumstances. The function of prudence is to synthesize the two in a single moral-political judgment, “combining the principles of original justice with the infinite variety of human concerns.”⁷³

⁷⁰ *Letter to a Noble Lord* (1796), *Works*, VIII, 23.

⁷¹ *Remarks on the Policy of the Allies* (1793), *Works*, VII, 197-198.

⁷² *Ibid.*, 155.

⁷³ *Reflections* (1790), *Works*, V, 182.

Prudence, therefore, in Burke's mind did not deny but complemented moral principle.

Prudence and Principle

Since prudence is a virtue, it assumes a moral end and applies itself to determining the means of attaining it. "God forbid," Burke said, "that prudence, the first of all the virtues, as well as the supreme director of them all, should ever be employed in the service of any of the vices."⁷⁴ Nor does prudence have an unlimited scope in its choice of means. Burke held that "there are ways and means, by which a good man would not even save the commonwealth,"⁷⁵ and once wrote that all politics "are rotten and hollow at bottom . . . that are founded upon any, however minute a degree of positive injustice."⁷⁶ It is safe to say that in principle and in general intention Burke's doctrine of prudence is compatible with and indeed supposes his theory of the moral order and the natural law.

But while Burke believed that "without the guide and light of sound well-understood principles, all reasonings in politics, as in every thing else, would be only a confused jumble of particular facts and details, without the means of drawing out any sort of theoretical or practical conclusion,"⁷⁷ he did not stop there. He also believed that "no moral questions are ever abstract questions," and that before judgment could be passed upon "any abstract proposition," it "must be embodied in circumstances." For, he said, "things are right or wrong, morally speaking, only by their relation and connexion with other things."⁷⁸ "A statesman," there-

⁷⁴ Hastings Trial, 17 Feb. 1788, *Works*, XIII, 275.

⁷⁵ Notes for a speech in the Commons, 11 May 1792, *Speeches*, IV, 58 and *Works*, X, 45.

⁷⁶ *Tracts on the Popery Laws* (1761), *Works*, IX, 368. Cf. *Works*, VII, 166. See also *Corr.*, III, 115 for an instance in which Burke went about as far as he ever went in justifying the subordination of morality to expediency.

⁷⁷ Notes for a speech in the Commons, 11 May 1792, *Speeches*, IV, 55 and *Works*, X, 41.

⁷⁸ *Ibid.*, 66 and 58. Cf. *Speeches*, III, 475-476; *Works*, V, 35-36.

fore, "never losing sight of principles, is to be guided by circumstances; and judging contrary to the exigencies of the moment he may ruin his country for ever."⁷⁹

The relationship between principles and prudence may be summarized in the phrase that principles are necessary but insufficient.⁸⁰ They are necessary because without them consistent, intelligent, and moral action is impossible. But principles are not enough because one cannot often argue from them alone to what ought to be done here and now. The farther one goes into the field of social and political relations, and the greater the number of factors that enter into the problems to be solved, the more difficult it is to arrive at practical conclusions in the light of universal moral principles alone. Between the "fundamental points in which nature never changes" and the "infinite modifications" of "political matter," there is a graduated scale of moral and political principles which enjoy a greater or lesser degree of certainty and universality in proportion as they are more or less conditioned by circumstances. As Burke himself put it, "The lines of morality are not like the ideal lines of mathematics. They are broad and deep as well as long. They admit of exceptions; they demand modifications. These exceptions and modifications are not made by the process of logick, but by the rules of prudence."⁸¹ It is thus the function of prudence to supply the deficiencies of principle in meeting the demands of practice.

It is significant that Burke's denunciations were reserved for those who argued with logical but impractical rigor from premises of right—the rights of the sovereign in the American crisis, the rights of man in the French revolutionary crisis. He seldom if ever denounces an argument from premises of duty, and he certainly would not admit, in general terms at

⁷⁹ *Ibid.*, 55 and 42.

⁸⁰ I am here indebted to Leo Strauss, *Natural Right and History* (Chicago, 1953), 303-306.

⁸¹ *Appeal from the New to the Old Whigs* (1791), *Works*, VI, 97.

least, the supremacy of expediency over duty. His attitude on this point is well expressed in his phrase, "as we never ought to go to war for a profitable wrong, so we ought never to go to war for an unprofitable right."⁸²

Yet even the fulfilment of duties is often subject to the judgments of prudence. If a distinction may be made which Burke does not explicitly make (though it is implied in the phrase just quoted above), a positive duty must be performed, but not under all circumstances, and it is only a negative duty (i.e., the duty to refrain from an evil action) which binds everywhere and always. In regard to all positive duties as in regard to the exercise of all rights, knowledge of the principle alone is not sufficient. It is not enough for a man to know that he has a duty or a right. There must also be a judgment on the circumstances which demand performance of the duty or justify the exercise of the right. That will be a prudential judgment of practical reason by which the principle is applied to the actual situation.⁸³

Burke's doctrine of political reason and prudence thus made it possible for him to advocate what may be called a principled pragmatism. In contrast to pure pragmatism—if there is such a thing—Burke's pragmatism was not without "absolutes" and fixed stars on which to set a political course. These unchanging points of reference were provided by the natural moral law, which in essence stated an order of ends, derived from human nature, which must ultimately be attained. The basic principles of moral law imposed the realization of these ends and forbade actions contrary to them. But within these limits, the realm of means and intermediate ends was the domain of prudence. In this area the mode of

⁸² In the Commons, 6 May 1790, *Speeches*, III, 492.

⁸³ See the preamble to the *Sketch of the Negro Code* which Burke submitted to the Home Secretary in 1792 for an example of his manner of reconciling moral principle with expediency through the exercise of prudence. *Works*, IX, 283.

thought proper to the statesman was that of political reason, which was concerned with adapting means to ends in ever-changing circumstances, according to the norms of an intelligent and enlightened expediency.

Chapter Two

REASON AND THEORY

IN THE preceding chapter I sought to show that Burke held both a natural-law doctrine and the metaphysic presupposed by it. This view is supported by Sir Ernest Barker¹ and Professor Leo Strauss,² who see Burke as deriving his ontological postulates from the classical and medieval philosophical tradition. Nonetheless it must be admitted that the metaphysic in question depended on a theory of knowledge which it is at least doubtful that Burke held. The doubt arises because of Burke's frequently expressed distrust of speculative reason, which is precisely that function of the mind which engages in metaphysical thought. This chapter, therefore, will treat of Burke's attitude toward speculative reason and theory. This will unfortunately involve us in a certain amount of close and rather dull analysis of Burke's writings. But since the widely held view of Burke as an antirationalist arises in large part from his strictures on theory, it is necessary to try to see exactly what he meant by them.

The distinction between speculative and practical reason, or more accurately, between the speculative and practical functions of the intellect, was a traditional one in Aristotelian and scholastic philosophy, and was still part of the common intellectual currency of Europe in the eighteenth century.

¹ *Essays on Government*, 218 n. 1.

² *Natural Right and History*, 295-296. See also Stanlis, *Burke and the Natural Law*, chap. iii.

Burke was certainly familiar with it,³ and among his contemporaries even so antischolastic a thinker as d'Alembert took the distinction as universally understood.⁴ As the terms are used in the Aristotelian tradition, speculative reason aims at contemplation, that is, at knowledge for its own sake. Practical reason is directed to action, and seeks knowledge in order to utilize it in achieving some further end. Speculative knowledge is principally of the necessary and essential element in things, but practical disciplines (ethics and the arts) are concerned with the contingent and variable element, which is under our power and so may be the object of our actions. Finally, in Aristotelian thought, although speculation and practice mutually influence each other, speculative knowledge, or *theoria*, is primary and is the ultimate end for which practice and practical knowledge exist.

ART

Now Burke is well known as the leader of a revolt against the rationalism of the eighteenth century. But it is well to recall that that century in general prided itself on being "empirical" and saw itself as in reaction against the abstract rationalism of the Cartesian era. Locke and Newton were its intellectual heroes, and it could denounce "metaphysics" as heartily as Burke himself. D'Alembert, who was "one of the most important scholars of the age and . . . one of its intellectual spokesmen,"⁵ said that the spirit of system in philosophy was now almost dead, and rightly so. Certitude could be attained only by the exact study of phenomena.⁶ This attitude was widely shared. When therefore Burke arose in the Commons to inveigh against "theory" and "speculation" in politics, he was to a large extent echoing stock

³ The distinction is explained by Smiglecius, *Logica* (Oxford, 1638), disp. XVII, q. V, pp. 710-711, and Baronius, *Metaphysica generalis* (Leyden, 1657), 1-3, 326, both of which works were part of Burke's course of studies in Trinity College, Dublin.

⁴ "Discours préliminaire des éditeurs," in *L'Encyclopédie ou Dictionnaire raisonné des sciences, des arts et des métiers* (Lausanne and Berne, 1781), I, xxi.

⁵ Ernst Cassirer, *The Philosophy of the Enlightenment* (Princeton, 1951), 4.

⁶ "Discours préliminaire," *L'Encyclopédie*, I, liii-liv.

phrases of his time. Yet there is no doubt that his mistrust of speculative thought was personal and sincere, for the evidences of it run all through his private as well as his published writings.

Early Writings

There is among the Burke papers at Sheffield a notebook, which has recently been edited by Mr. H. V. F. Somerset of Worcester College in Oxford.⁷ This notebook was kept jointly by Edmund Burke and his lifelong friend, William Burke, during the 1750's, in that obscure period of Burke's life after his arrival in England and before his entrance into public life. The contents are largely short, disconnected essays, jotted down at various times, from some of which a revealing insight into Burke's early thought can be gained.

One of the essays in this notebook bears no title.⁸ It is a lengthy chain of reasoning designed to lay the foundations of morality and religion. In the course of this essay Burke says, "Metaphysical or Physical Speculations neither are, or ought to be, the Grounds of our Duties; because we can arrive at no certainty in them. They have a weight when they concur with our own natural feelings; very little when against them." Three themes appear in this statement, all typically Burkean, but perhaps nowhere else expressed so clearly or so strongly. They are: first, a preoccupation with "the Grounds of our Duties," for philosophy to Burke was moral philosophy; secondly, a sceptical unwillingness to make "Metaphysical or Physical Speculations" the foundation of morality; and finally, a recourse to "our natural feelings" as a surer basis for morals.

Burke's statement, however, must be read in its context in order not to exaggerate its force. The denial of any certainty in metaphysical or physical speculations occurs in

⁷ *A Notebook of Edmund Burke* (Cambridge, 1957).

⁸ *Ibid.*, 69-75. The title, "Religion," has been imposed on the essay by Mr. Somerset.

an argument for Divine Providence. "If God has provided fatally for all things, we may honour him but we can neither love him, fear him, nor hope in Him. For there is no object for those Passions." Providence is therefore necessary, if we are to have religion, for "Hope and fear are the Springs of everything in us, because they look to the future about which, only, Mankind can be solicitous." We have thus, on one side, the driving forces of human life, hope and fear, which have no object if fatality rules the universe. On the other side, we have the arguments of reason which seem to prove fatality and to eliminate Providence. Burke comes down squarely on the side of the passions, as the following passage demonstrates:

The Arguments against Providence are from our *Reasonings*, observing a certain order in the works of God. There is nothing at all in our natural feelings against it.

There is a great deal in our natural feelings for it.

All Dependant Beings that have a Sense of their Dependence naturally cry out to their Superiour for assistance.

No Man can act uniformly as if a fatality governed everything.

Men do not naturally conceive that, when they are strongly actuated to call upon a Superior, that [*sic*] they cannot be heard. They do not conceive that they have Passions which have [no] Purpose.

They naturally measure their Duties to the Divinity by their own wants and their feelings, and not by abstract Speculations.

In the one they cannot be deceived, in the other they may.

One is taken from the Nature of God which we do not understand, the other from our own which [we] understand better.

Metaphysical or Physical Speculations neither are, or ought to be, the Grounds of our Duties; because we can arrive at no certainty in them. They have a weight when they concur with our own natural feelings; very little when against them.

What Burke attacks here under the name of "Metaphysical or Physical Speculations" is the deterministic theory of

the universe which the triumphant mathematical physics of the seventeenth century seemingly had established. But he does not attack it with rational arguments to show that as a theory it is untrue. Rather he protests that it is contrary to the common needs and common feelings of men. Men cannot "act uniformly as if a fatality governed everything. . . . They do not conceive that they have Passions which have [no] Purpose." Burke therefore reduces the argument to a general principle: men do, and ought to, regulate their lives by "their own wants and their feelings" rather than by "abstract Speculations" when the two are in opposition.

He is therefore sceptical in regard to abstract reasoning, and goes so far as to say that "we can arrive at no certainty" in our speculations. But it is important not to misinterpret this scepticism. It would certainly be contrary to Burke's mind to make his scepticism radical and universal, or even carry it to the point of questioning the rational foundations of religion and morality. But in any argument that bears upon the conduct of human life, Burke will not admit that abstract reasoning can be determinative. Because it bears upon human life, it must accord with common human nature. If it does not, then no matter how logical it may be, Burke will reject it. In effect, he is asserting the primacy of human nature as he knows it, in all reasoning about morals or the foundations of morals.

The same cast of mind appears also in his argument for the immortality of the human soul. At a later point in the same essay he says:

He [man] sees that this Notion is favourable to the performance of all his Duties, and that the Contrary notion is unfavourable to it.

He observes that this Notion tends to perfect his Nature; that the contrary tends to sink him to a level of Inferiour Natures.

In disputed Questions those Notions that tend to make him better and happier, to bind him to his fellow Creatures, and to his Creator and to make him a more excellent Creature, are true rather than the Contrary. These Arguments are taken from within; the others are foreign.

Moral arguments must be drawn "from within," from human nature, and not from without, from abstract reasoning. This is true, not only of moral principles properly so called, but even of the presuppositions of morality, such as the immortality of the soul. The criterion of truth in regard to such doctrines is their influence on the performance of our duties and their contribution to the perfection of human nature.

Another essay in the notebook is entitled, "Several Scattered hints concerning Philosophy and Learning collected here from my papers."⁹ As the title indicates, it is a collection of paragraphs unrelated to each other save in the most general way. One paragraph asserts the necessity of learning to doubt, but for the reason that "To have the mind a long time lost in Doubts and uncertainties, may have the same Effect on our understandings that fermentation has on liquors. It disturbs them for a while, but it makes them both the Sounder and the clearer ever after." As was said above, Burke was never an unmitigated sceptic.

✓ He did however evince considerable scepticism about science, possibly because he saw in it an adversary of religion and morality. It would "abate something of our confidence in our own opinions" if we observed the rise and fall of science—"to see it rise from chance, grow by industry, strengthen by contention, refine by subtilty and ease, fall then into nicety, Error, Guess, and dissolving at last, make way for new Systems, which rise by the same means, and fall by the same fortune." Those who have "mastered the principles of most Sciences, find how weak and fallacious the Grounds of many are, and how uncertain the very best." In fact,

⁹ *Ibid.*, 81-98.

"Most of our Enquiries, when carried beyond the very Superficies of things, lead us into the greatest Difficulties and we find qualities repugnant to each other whenever we attempt to dive into the Manner of Existence. . . . Perhaps the bottom of most things is unintelligible; and our surest reasoning, when we come to a certain point, is involved not only in obscurity but contradiction."

This lack of confidence in speculative thought was accompanied by the conviction that speculation must be justified by its relation to practice. Burke, even in these days of his private life, had no use for the ivory tower. "To study only for its own sake is a fruitless labour," he said, "to learn only to be learned is moving in a strange Circle. The End of learning is not knowledge but virtue; as the End of all speculation should be practice of one sort or another." Even when speculation was ordered to practice, Burke regarded it with suspicion. He said:

A man who considers his nature rightly will be diffident of any reasonings that carry him out of the ordinary roads of Life; Custom is to be regarded with great deference especially if it be an universal Custom; even popular notions are not always to be laughed at. There is some general principle operating to produce Customs, that is a more sure guide than our Theories. They are followed indeed often on odd motives, but that does not make them less reasonable or useful. A man is never in greater danger of being wholly wrong than when he advances far in the road of refinement; nor have I ever that diffidence and suspicion of my reasonings as when they seem to be most curious, exact, and conclusive.¹⁰

The young Burke who made these jottings in his notebook is thus revealed as sceptical of speculative reason, insistent on subordinating it to practical purposes, and strongly inclined to look for moral guidance to natural feeling rather

¹⁰ Some lines below Burke makes it plain that the principle which is a surer guide than theory is "the wisdom of nature or rather providence."

than to thought. Another facet of his attitude toward abstract speculative thinking was shown in his first published work. Here he manifested his deep awareness of the corrosive effect on social bonds of an unrestrained intellectual individualism.

The work appeared anonymously in 1756, under the title, *A Vindication of Natural Society . . . by a late Noble Writer*. Apparently it was so successful an imitation of Lord Bolingbroke's style that it was widely accepted as that writer's posthumous work. The purpose of the imitation, as Burke explained in a preface affixed to subsequent editions, was "to shew that, without the exertion of any considerable forces, the same engines which were employed [by Bolingbroke in his published works] for the destruction of religion, might be employed with equal success for the subversion of government."¹¹ The assumption, of course, was that neither Bolingbroke nor his readers could admit the subversion of government as a desirable object. Burke therefore sets out to prove, as a *reductio ad absurdum*, that if natural reason is sufficient in religion, so that revealed religion and its institutions are an imposition, natural reason is sufficient in civil life also. Consequently civil, or artificial, society is an imposition. This conclusion is confirmed by a review of the historical consequences of civil society, which have been nothing but wars and oppression. Burke concludes with the satirical suggestion that men should abandon both theology and politics and return to the state of nature, in which each is judge in his own cause and no one has either the will or the means to dominate another.

There is thus implicit in the *Vindication of Natural Society* the proposition that natural reason is not sufficient to itself as a guide for human life, but needs the added light of divine revelation. The burden of the work, however, is not that. Rather it is an attack on intellectual individualism

¹¹ *Works*, I, 5.

as opposed to social belief, whether natural or revealed. Burke exposes his chief concern when he asks, in the preface, "Even in matters which are, as it were, just within our reach, what would become of the world, if the practice of all moral duties, and the foundations of society, rested upon having their reasons made clear and demonstrative to every individual?"¹² As Burke in his notebook had preferred natural feeling to refined speculation as a guide in matters of conduct, so here he opposes commonly received opinion to unchecked private judgment.

The epistemology which apparently underlay Burke's distrust of speculative reason, and which has led critics to attribute to him a theory of knowledge similar to Hume's, was revealed in his *A Philosophical Inquiry into the Origin of Our Ideas of the Sublime and Beautiful*, which appeared in the following year, 1757. This work was begun before Burke was nineteen years old, and therefore while he was still a student at Trinity College. John Locke's sensist psychology is assumed throughout the work. For example: "We are bound," Burke says, "by the condition of our nature, to ascend to these pure and intellectual ideas [of the divine attributes], through the medium of sensible images."¹³ In an essay, "On Taste," which he prefixed to the 1759 edition of the work, Burke further says that "the senses are the great originals of all our ideas, and consequently of all our pleasures."¹⁴ In *The Sublime and Beautiful* itself, a rather crudely mechanistic theory of aesthetic emotion is presented. By beauty, Burke says, he means "that quality, or those qualities in bodies, by which they cause love, or some passion similar to it." He confines this definition to "the merely sensible qualities of things," in order to consider in isolation "the direct force which they have merely on being viewed."¹⁵ "Beauty," he concludes, "is, for the greater part,

¹² *Ibid.*, 7.

¹⁴ *Works*, I, 114.

¹³ *Works*, I, 173.

¹⁵ *Works*, I, 204.

some quality in bodies acting mechanically upon the human mind by the intervention of the senses.”¹⁶ These passages, to which many others could be added, indicate that *The Sublime and Beautiful* was written in terms of Locke’s psychology.

Locke’s sensism implies Locke’s nominalism, which Burke appears also to have shared in this essay. Words like virtue, liberty, and honor, he says, are “compound abstracts.” “As compositions,” he continues, “they are not real essences, and hardly cause, I think, any real ideas.”¹⁷ Locke’s influence on this conception of abstract moral ideas is plain. According to Locke, ideas are either simple (direct images caused by sensation), or complex, formed by combining simple ideas. Among complex ideas, Locke distinguishes those which have an archetype outside the mind from those which do not. The first class of ideas includes the ideas of substances: we never know the real essence of a substance, but only its nominal one; nevertheless, substances really exist, and so the ideas of substances have their archetypes outside the mind. The second class includes all moral and juridical notions, which are formed by the mind freely joining simple ideas; these notions have no archetypes outside the mind. Justice, for example, cannot but be what we conceive it to be, because it exists only in our conception of it. This explanation of the nature of ideas seems rather obviously to be what Burke has in mind when he says that virtue, liberty, honor, and the like, “are not real essences, and hardly cause, I think, any real ideas.” “Such words,” he adds, “are in reality but mere sounds.”¹⁸

The same nominalism seems also to appear in what Professor Strauss calls “the most important thesis of the *Sublime and Beautiful*,”¹⁹ namely, Burke’s rejection of the proposition

¹⁶ *Ibid.*, 235. See also pp. 267-268 for a mechanical explanation of the effect of the sublime.

¹⁷ *Ibid.*, 303.

¹⁸ *Ibid.*, 304.

¹⁹ *Natural Right and History*, 312.

that physical beauty consists in certain proportions of parts. "Proportion," Burke says, "relates almost wholly to convenience, as every idea of order seems to do; and it must therefore be considered as a creature of the understanding, rather than a primary cause acting on the senses and imagination."²⁰ Beauty, however, "is no creature of our reason, since it strikes us without any reference to use, and even where no use at all can be discerned."²¹ The antithesis would seem to be complete. Beauty is a sensible quality really residing in bodies, which by impressing itself upon the senses, arouses an immediate passionate response. But proportion, as a relation, does not exist in things, but in the mind only, and it neither does nor can arouse such a response. And so Burke appears here as a sensist in psychology and a nominalist in epistemology.

The foregoing analysis of *The Sublime and Beautiful*, however, is an oversimplification of Burke's thought. That he wrote the work in terms of Locke's psychology and epistemology is quite plain. But, whether consistently or not, he was by no means the sensist and the nominalist which he appears to be in the passages quoted above. He seems, in fact, to have been confused by Locke's doctrine that an idea is either a representation of a thing, derived from the senses, or a compound of such representations, and one feels that he did not know what to make of abstract ideas which were not reducible to sensible elements. But in regard to the objective reality of proportion, his thought is sufficiently clear. It is true that he speaks of proportion as "a creature of the understanding," in contrast to physical beauty, which is a quality residing in things, and not "a creature of our reason." The word *creature*, taken literally, implies that proportion is not a relationship existing in reality, but is a mere product of the mind. Yet that is certainly not what

²⁰ *Works*, I, 205.

²¹ *Ibid.*, 235.

Burke meant, as can be shown by his own explicit statements.

In a chapter entitled "The Real Effects of Fitness," he says that he does not mean to exclude proportion and fitness from works of art, although he does exclude them from the notion of beauty. In his own words: "We are rational creatures, and in all our works we ought to regard their end and purpose; the gratification of any passion, how innocent soever, ought only to be of secondary consideration. Herein is placed the real power of fitness and proportion; they operate on the understanding considering them, which *approves* the work and acquiesces in it." Beauty, on the other hand, operates upon the senses and imagination, and captivates the passions before the understanding is ready either to acquiesce or to oppose.²²

The distinction between beauty and proportion, therefore, is not that one exists in reality and the other does not. Both are of the real order, but one operates upon the imagination and passions, the other upon the understanding. It can be argued, of course, that in the passage quoted above, Burke refers to human works of art, the order and proportion of which exist first in the mind of the artist and are imposed by him upon the artifact. But he makes the same distinction between the effect of beauty on the passions and that of order and proportion on the understanding, even when it is the order of the created universe which is in question.

"It is by a long deduction, and much study," he says, "that we discover the adorable wisdom of God in his works: when we discover it, the effect is very different, not only in the manner of acquiring it, but in its own nature, from that which strikes us without any preparation from the sublime or the beautiful."²³ The wisdom of God in His works is an order of things, and the mind is here said to discover it,

²² *Ibid.*, 229-230.

²³ *Ibid.*, 228.

not to produce it. It is therefore safe to conclude that, although Burke speaks of proportion as "a creature of the understanding," he does not mean to deny its objective reality. What he probably had in mind was Locke's notion that the direct object of our knowledge is, not things as they are in themselves, but our ideas of them. But as we have already seen, Burke insisted that a "fixed order existed in the world," and that it was "correspondent to our ideas."²⁴ In other words, order as we know it may be a creature of our understanding, but the true order of reality corresponds to our mental construct sufficiently to give us ground for certitude—which may be bad epistemology but is passable metaphysics.

Burke's distinction between the principles by which the sublime and beautiful affect the passions and those by which order and proportion operate on the understanding is of considerable importance, because it shows that his aesthetic theory cannot be used to interpret his moral and political theory. The central idea of Burke's moral philosophy, as we have said, is that of order, and of order as known by reason. Because he excludes the notion of proportion (and therefore of order) from his aesthetic theory, the latter cannot furnish the key to an understanding of his moral and political thought. Moreover, as will presently appear, Burke makes this plain in *The Sublime and Beautiful* itself.

The contrary view has been expressed by Morton J. Frisch, who says, "It is only by combining the information supplied by this treatise [*The Sublime and Beautiful*] with that afforded by Burke's later political works that one can arrive at an understanding of the principles underlying all of his writings."²⁵ But in his introductory essay, "On Taste," Burke clearly distinguishes reason and taste and says that the purpose of his inquiry is "to find whether there are any

²⁴ *Annual Register*, XIV (1771), 252.

²⁵ "Burke on Theory," *Cambridge Journal*, VII (1954), 293.

principles, on which the imagination is affected, so common to all [men], so grounded and certain, as to supply the means of reasoning satisfactorily about them."²⁶ The principles of taste are the "invariable and certain laws" according to which the *imagination* is affected.²⁷ Although they may be the object of rational investigation, they are not the principles of reason. The theoretical principles elaborated in *The Sublime and Beautiful*, because they are the principles of taste and not of reason, cannot therefore furnish one with a guide to Burke's moral and political theory.

He himself devotes a brief chapter to the question, "How Far the Idea of Beauty may be Applied to Virtue." The entire chapter follows:

From what has been said in the foregoing section, we may easily see, how far the application of beauty to virtue, may be made with propriety. The general application of this quality to virtue, has a strong tendency to confound our ideas of things; and it has given rise to an infinite deal of whimsical theory; as the affixing the name of beauty to proportion, congruity, and perfection, as well as to qualities of things yet more remote from our natural ideas of it, and from one another, has tended to confound our ideas of beauty, and left us no standard or rule to judge by, that was not even more uncertain and fallacious than our own fancies. This loose and inaccurate manner of speaking, has therefore misled us both in the theory of taste and of morals; and induced us to remove the science of our duties from their proper basis (our reason, our relations, and our necessities) to rest it upon foundations altogether visionary and unsubstantial.²⁸

²⁶ *Works*, I, 98.

²⁷ *Ibid.*, 96-97.

²⁸ *Works*, I, 234-235. Something of what Burke meant when he made "our relations" the basis of morals may be gathered from the following passage, written many years later: "We have obligations to mankind at large, which are not in consequence of any special voluntary pact. They arise from the relation of man to man, and the relation of man to God, which relations are not matters of choice. On the contrary, the force of all the pacts which we enter into with any particular person or number of persons amongst mankind, depends upon those prior obligations." *Appeal from the New to the Old Whigs* (1791), *Works*, VI, 206.

The "proper basis" of moral science is thus clearly distinguished from the principles of the imagination, and is stated to be "our reason, our relations, and our necessities." This statement alone would appear to overthrow the thesis that in *The Sublime and Beautiful* Burke maintained "that the passions, and not reason, form the natural basis of our morals, our opinions, and our lives."²⁹ It is true that in his notebook Burke rejected "Metaphysical or Physical Speculations," as "the Grounds of our Duties," in favor of "our natural feelings." The relationship between natural feeling and reason in the foundation of morals will therefore be discussed at length in the following chapter. But it may be taken as established here that for Burke the principles by which the sublime and beautiful affect the imagination, and through it the passions, are not and cannot be the foundation of "the science of our duties."

Those who interpret Burke to mean that the principles of the imagination are the ultimate principles of morals, naturally agree with Laski's statement, that "the metaphysics of Burke . . . are largely those of Hume."³⁰ The resemblances between Burke and Hume have been summarized by H. B. Acton in these words: "From Hume to Edmund Burke the transition is smooth and easy. There is a common repudiation of abstract reason in politics, a common emphasis on nuances and gradual transitions, and a common insistence on prescription. Even Burke's support of 'prejudice' is continuous with Hume's support of 'the most useful Byasses and Instincts,' but, in including religion among the valuable prejudices, Burke adopts a position that Hume must have repudiated."³¹

One may agree that these similarities exist, and exist because Burke had read Hume and had been influenced by

²⁹ Frisch, *op. cit.*, 296.

³⁰ *Political Thought in England from Locke to Bentham*, 157.

³¹ "Prejudice," *Revue Internationale de Philosophie*, XXI (1952), 333.

him. Certainly he had read Hume's *History of England* and admired it.³² Nonetheless, it is one thing to have been influenced by Hume's historical views, and quite another to have accepted the critical philosophy that underlay them. It is well known that Burke disagreed strongly with Hume's unorthodox religious views, and that probably is sufficient to explain his "doubt that keeping company with David Hume, in a strict sense, is hardly defensible."³³ Yet Burke also said that Hume's "sceptical system" was made "with intentions to produce that infidelity to which it leads so evidently."³⁴ He may have objected chiefly to Hume's infidelity in religion, but he was intelligent enough to see that Hume's criticism of knowledge was the philosophical foundation of his irreligious opinions.

But there is a more profound reason why Burke could not have accepted Hume's philosophy. If it is ever permissible to summarize a man's thought in one sentence, it may be said that for Hume the laws of the imagination were the laws of thought. As he himself put it:

... all probable reasoning is nothing but a species of sensation. 'Tis not solely in poetry and music, we must follow our taste and sentiment, but likewise in philosophy. When I am convinc'd of any principle, 'tis only an idea, which strikes more strongly upon me. When I give the preference to one set of arguments above another, I do nothing but decide from my feeling concerning the superiority of their influence. Objects have no discoverable connexion together; nor is it from any other principle but custom operating upon the imagination, that we can draw any inference from the appearance of one to the existence of another.³⁵

³² *Annual Register*, IV (1761), 301.

³³ *Boswell Papers*, XI, 268, quoted by Thomas W. Copeland, *Our Eminent Friend, Edmund Burke* (New Haven, 1949), 167.

³⁴ *Annual Register*, XIV (1771), 255.

³⁵ *Treatise of Human Nature*, edited by L. A. Selby-Bigge (Oxford, 1888, reprinted 1951), 103.

But, as has been pointed out above, in *The Sublime and Beautiful* Burke clearly distinguished the laws of the imagination from the laws of reason. He accepted order and proportion as objective relationships which operate upon the understanding and not upon the imagination. He rejected the sense of the beautiful as the foundation of morals and in its place asserted the needs and relations of human nature as known by reason. Finally, in the same treatise he evidently assumes causality in the real order, and a knowledge of God through causality.

Having said that purely intellectual contemplation of the divine attributes affects the imagination or the passions very little, if at all, he continues: "But because we are bound, by the condition of our nature, to ascend to these pure and intellectual ideas, through the medium of sensible images, and to judge of these divine qualities by their evident acts and exertions, it becomes extremely hard to disentangle our idea of the cause from the effect by which we are led to know it."³⁶ Burke's customary diffidence of speculative reason, when it strives to rise above the level of immediate experience, is evident in this passage. But at the same time we find a clear statement that it is possible to know something of the attributes of God, because it is possible to know the cause from its effects. This would seem to be in plain contradiction to Hume's statement of the cardinal principle of his thought, that "Objects have no discoverable connexion together; nor is it from any other principle but custom operating upon the imagination, that we can draw any inference from the appearance of one to the existence of another."

The difference between Burke and Hume on this point is fundamental. Hume denies the possibility of a rational metaphysic, because he denies that the connection of objects with one another is discoverable by reason. Burke, with what

³⁶ *Works*, I, 173.

ever degree of hesitation concerning the trustworthiness of speculative reason, takes for granted one of the basic premises of the traditional metaphysic, namely, the doctrine of causality and the intelligibility of being which that implies. Burke makes this assumption uniformly, and not once or twice and casually in his treatise on aesthetics. As was shown earlier, the notion of an intelligible and ordered universe is basic to all his thought. It can hardly be assumed, therefore, that he based his thought on Hume's critical philosophy.

I have dwelt at such great length on this point because of the central position in Burke's thought of the idea of order. Burke's earliest writings, it is true, do not manifest that confidence in the trustworthiness of speculative thought which a metaphysic of universal order would seem to demand. On the contrary, Burke distrusted speculation to the point of wondering whether "the bottom of most things is unintelligible, and our surest reasoning when we come to a certain point is involved not only in obscurity but contradiction." Speculation in his mind was subordinated to practice, and natural feeling and custom were preferred to theory as criteria of moral judgment. Furthermore, Burke's thought in his early years is revealed as strongly tinged with the sensism and nominalism derived from Locke's psychology. Yet, for all of that, Burke refused to draw the conclusions to which, as Hume showed, Locke's psychology logically led. Burke rejected radical scepticism because he would not accept its conclusions regarding the foundations of morality. This is quite as significant as the anti-intellectualism implicit in his criticism of speculation. It is doubtful that Burke's epistemology, as it appears in his early writings, was compatible with the metaphysic implied in his moral and political theory. But, with whatever inconsistency, Burke's presuppositions about the nature of the universe and the moral law were intellectualist in quality, because he took for granted a metaphysical order intelligible to the human mind.

Later Writings

When we turn to Burke's properly political writings, we find a less pronounced scepticism and anti-intellectualism evinced. There is much denunciation in these writings of "speculation," "metaphysics," and "theory." But the denunciation is all directed against what Burke regarded as a doctrinaire mentality—whether manifested in assertions of the unlimited sovereignty of Parliament over the colonies or in declarations of the imprescriptible rights of man—and really has nothing to do with formal metaphysical thought as such. The truth seems to be that Burke had very little direct interest in metaphysics, properly so called.

His interest was engaged, and very much so, by the relation between theory and practice, his remarks on which have been called "the most important part of his work."³⁷ On the first page of his first published work Burke had succinctly described the mentality against which he was to contend all his life. It was characterized by the belief "that error, and not truth of any kind, is dangerous; that ill conclusions can only flow from false propositions; and that, to know whether any proposition be true or false, it is a preposterous method to examine it by its apparent consequences."³⁸ If Burke's denunciations of theory are to be understood, it must be kept in mind that to him theory implied the attitude (in his eyes, the recklessly doctrinaire attitude) expressed in this passage.³⁹

For Burke was interested in theory only as related to practice, and in speculation only insofar as it influenced action. When he denounced theory, therefore, he was denouncing a proposition which had practical consequences but which denied that those consequences furnished a mea-

³⁷ Strauss, *Natural Right and History*, 303.

³⁸ *Vindication of Natural Society* (1756), *Works*, I, 9.

³⁹ *Works*, II, 154, 269, 430-433; III, 71, 74-75, 110-112, 183-186; V, 230, 327, 394; VI, 53-54, 133; *Corr.*, I, 264; II, 263-265; IV, 299-300; *Speeches*, III, 475-476; IV, 51-52.

sure of its own truth or falsehood. Furthermore, such theories, because they claimed to be true in themselves and independently of their consequences, could not allow for the varying circumstances to which they would have to be applied. That these theories might be valid in different degrees in different situations could not be admitted by "the metaphysicians of our time who are the most foolish of men, and who, dealing in universals and essences, see no difference between more and less."⁴⁰ Burke called these men metaphysicians because they imported into social and political thought the method of reasoning appropriate to metaphysics. In metaphysics, which deals with the necessary and therefore universal aspects of reality, one may legitimately reason by logical deduction from universal premises to universal conclusions. But it is both foolish and dangerous to extend that method of reasoning into an area where the object of reasoning is so largely contingent and variable.

One of Burke's more balanced appraisals of theory appears in the following passage: "I do not vilify theory and speculation—no, because that would be to vilify reason itself. *Neque decipitur ratio, neque decipit unquam*. No; whenever I speak against theory, I mean always a weak, erroneous, fallacious, unfounded, or imperfect theory; and one of the ways of discovering that it is a false theory is by comparing it with practice. This is the true touchstone of all theories, which regard man and the affairs of men—does it suit his nature in general?—does it suit his nature as modified by his habits?"⁴¹ This passage aptly expounds Burke's general attitude to theory: he is concerned only with "theories which regard man and the affairs of men," i.e., with moral and

⁴⁰ *Letter to Sir Hercules Langrishe* (1792), *Works*, VI, 331. The "metaphysicians" referred to were the proponents of the doctrine of "the rights of man," and the sympathizers with the French Revolution.

⁴¹ In the Commons, 7 May 1782, *Speeches*, III, 48 and *Works*, X, 99. The Latin quotation, from Manilius, appears on the title page of one of Burke's college textbooks, LeClerc's *Ars Ratiocinandi*.

political theories; and the criterion of such theories is practice and human nature.

Or, as he put it in another place, "the foundation of government" is laid "in political convenience and in human nature." The "metaphysicians," on the contrary, "build their politicks, not on convenience but on truth."⁴² Burke of course did not mean that truth is evil. But he did mean that theoretical truth, taken in the abstract, is an inadequate norm for political judgment. "Almost all" the evils of the French Revolution, he said, could be traced to "this one source, that of considering certain general maxims, without attending to circumstances, to times, to places, to conjunctures, and to actors."⁴³ The French were wrong, not because they believed in truth, but because they did not understand the proper relation of theoretical truth to action and practice.

It is evident of course that much of the time Burke did not believe that the "metaphysical truth," against whose intrusion into politics he contended, was really truth at all. Certainly he did not believe in the "rights of man," which were the substance of the radical ideology of the 1790's. There were, however, truths in which Burke genuinely believed. He was a deeply religious man, and it is difficult, after reading his private correspondence, to concur with Lord Acton's judgment that he was "not even thoroughly sincere in his religious belief."⁴⁴ Yet Burke occasionally made statements in which he seemed to subordinate the truth of the Christian religion to "political convenience and human nature."

⁴² *Appeal from the New to the Old Whigs* (1791), *Works*, VI, 257.

⁴³ *Letter to a Member of the National Assembly* (1791), *Works*, VI, 57.

⁴⁴ Unpublished MS, quoted by H. G. Schenk, *The Aftermath of the Napoleonic Wars* (London and New York, 1947), 6. The Rev. Joseph E. McCabe, who has written a study of Burke's religious beliefs, considers the evidence "unimpeachable" that "Burke's personal religion was sincerely held." "The Attitude of Edmund Burke toward Christianity and the Churches" (Ph.D. thesis, unpublished, University of Edinburgh, 1951), 105.

To take but one example, in his *Tracts on the Popery Laws in Ireland* (1761), Burke said that "a conservation and secure enjoyment of our natural rights is the great and ultimate purpose of civil society." To deprive men of their natural rights on a large scale because of their religious beliefs (as was done through the penal laws against Catholics in Ireland), was therefore both absurd in theory and oppressive in practice. "For the Protestant Religion," Burke said, "nor (I speak it with reverence, I am sure), the truth of our common Christianity, is not so clear as this proposition; that all men, at least the majority of men in the society, ought to enjoy the common advantages of it."⁴⁵

The import of these words ought not to be exaggerated. Burke was not questioning the truth of Christianity, nor is there any reason to suppose that he intended to do so. Still it is significant that he based his argument on a conflict between the certitude of common rights and the truth of revealed religion. He could have placed the argument on the plane of value instead. That is, he could have reasoned that religious truth was superior to any merely temporal consideration, yet precisely because it was a human value, i.e., something good for men and perfective of human personality, any means of propagating religious truth which involved the degradation of common human nature was inappropriate and contrary to the purpose of religion. But Burke did not do that. Rather, he chose to make his argument a comparison of truths and to say that the religion in which he undoubtedly believed enjoyed a lesser degree of certitude than the right of men to common social well-being. It illustrates Burke's tendency to subordinate truths of the theoretical or doctrinal order to the requirements of practice and the common needs of human nature.

⁴⁵ *Works*, IX, 364. Cf. *Corr.*, III, 452-453; *Speeches*, I, 108.

Reason and Theory

To conclude, therefore, let us repeat that the main theme of Burke's political writings, insofar as they deal with the relation between theory and practice, is not to question the necessity or validity of theory, but to assert its insufficiency as a guide for practice. Speculative reason, Burke says, cannot furnish complete answers to practical questions. It may supply premises and principles, but these must be applied to practice by a type of reasoning which takes into account the element of the contingent and variable which is inseparable from practice. Burke therefore insists that practice must modify and correct theory: hence the emphasis which he places on practical consequences as a criterion of the truth of theoretical speculation.

Hence, too, his "instinctive distrust of the uncorroborated logical intellect."⁴⁶ Burke's mind was focused on the concrete and actual. For action always takes place in the realm of the concrete, and is aimed at results which, while not yet actual, can become so. A practical theory, therefore, which misinterprets the actual, or which even merely ignores part of it by abstracting from it, is a defective theory and will lead to poor, perhaps to disastrous, results. Furthermore, since the action which it is the purpose of theory to guide is to be performed by men and for men, it must be suited to them as they are. Burke therefore turns to human nature as known in historical experience (and not to the abstract being of "the state of nature") for the criterion of the good and the bad, the true and the false in human affairs. "Politics ought to be adjusted," he said, "not to human reasonings, but to human nature; of which the reason is but a part, and by no means the greatest part."⁴⁷ It was his criticism of the French revolutionists, on the other hand, that "in a

⁴⁶ Alfred Cobban, *Edmund Burke and the Revolt against the Eighteenth Century* (London, 1929), 164.

⁴⁷ *Observations on The State of the Nation* (1769), *Works*, II, 170.

great arrangement of mankind, not one reference whatsoever is to be found to any thing moral or any thing politick; nothing that relates to the concerns, the actions, the passions, the interests of men. *Hominem non sapiunt.*"⁴⁸ They knew not man, and therefore they could not have a sound political theory.

Now in all this there is nothing incompatible with the theoretical foundations of Burke's thought as they were set forth in the preceding chapter. Nor is the relation between natural feeling and reason of which we shall speak below incompatible with those theoretical foundations. Indeed Burke, by his emphasis on the affective side of human nature and on the demands of practice, restored to the theory of natural law elements which had been grievously neglected in the two centuries prior to his own time. Burke was not intent upon abolishing reason from moral and political thought. He was concerned, however, to bring reason to a more just appreciation of its practical object and of the mode of operation proper to the attainment of that object.

But in his concern for the practical, he tended at times to assimilate all reason to practical reason. Perhaps it would be more accurate to say that he was inclined to transfer to speculative reason, even in the purely speculative or theoretical sphere, the standards with which he tested it in the realm of practice. For with Burke practice was primary. He scarcely thought of the theoretical save in relation to the practical.

Burke certainly recognized that practical reason must proceed from theoretical premises as well as from the facts of the case. Since theory for him had a pejorative sense, he preferred to refer to his premises as principles. But his principles ultimately depended on a theoretical conception of the universe, as he well knew. However impressed he might be with "the narrowness and imbecillity of the human

⁴⁸ *Reflections* (1790), *Works*, V, 327.

understanding," he would never admit "that no fixed order existed in the world, so correspondent to our ideas, as to afford the least ground for certainty in any thing."⁴⁹ For once that admission was made, the foundations of morality would have disappeared. It cannot be said, therefore, that Burke failed to recognize the speculative function of reason.

Yet it may be doubted whether he fully appreciated the autonomy of speculative reason in its own sphere or its priority to practical reason. One reason for his failure to do so was that his theoretical premises, that is to say, his theology and his metaphysics, were assumed rather than demonstrated. As Russell Kirk says, "A man always desperately busy, lacking time to chop logic, he shared Dr. Johnson's exasperation at haggling over intuitive truths."⁵⁰ But even when he had time, as he did before he entered Parliament, he showed little disposition to establish the foundations of his thought by genuinely theoretical reasoning. It was not the bent of his mind to do so.

A modern scholastic commentator on Burke has said:

Burke would have been a sounder thinker, and perhaps a more influential one, had he based his political philosophy on the explicit formulation of a true metaphysics, and not merely on the repudiation of a false. That he had learnt from a sound tradition is evident, but he shared his contemporaries' contempt for abstract speculation. His strength is not the absence of this deeper thinking, but rather its latent and implied presence, vitalizing and directing his speech and writing. His intuitions were often better than he knew, but he lacked the language of their philosophic foundations.⁵¹

Burke's lack of concern with stating, criticizing, and defending the metaphysical presuppositions of his moral and politi-

⁴⁹ *Annual Register*, XIV (1771), 252.

⁵⁰ *The Conservative Mind* (Chicago, 1953), 29.

⁵¹ Hamm, "Burke and Metaphysics," *Essays in Modern Scholasticism*, ed. Pegis, 220. Professor Hamm's essay rather overstates Burke's unfamiliarity with metaphysics, but the above passage is a sound criticism.

cal theory must therefore be recognized as a weakness of his thought.

Because of this deficiency, Burke at times applied even to propositions of the theoretical order a practical or pragmatic standard. As he expressed it in his notebook, "In disputed Questions those Notions that tend to make man better and happier, to bind him to his fellow Creatures, and to his Creator and to make him a more excellent Creature are true rather than the Contrary." This statement, taken from an unpublished essay written in Burke's early life, may be insignificant in itself. But it is important as a stronger than ordinary expression of a bent of thought that was always characteristic of his mind. In effect, Burke stood for the primacy of "practical wisdom" over "theoretick science."⁵² To the extent that he subordinated speculation even in the properly theoretical order to practical norms, Burke weakened the foundations of his own thought, and must be said to have had an attitude toward speculative reason not fully compatible with the metaphysic which was implicit in his moral and political theory.⁵³

⁵² *Reflections* (1790), *Works*, V, 76.

⁵³ In arriving at this conclusion I have been influenced by Professor Strauss's section on Burke in his *Natural Right and History*, 294-323, but am of the opinion that Burke's subordination of speculation to practice is exaggerated there.

Chapter Three

REASON AND SENTIMENT

THE OPINION that Burke was an antirationalist springs not only from his attacks on "speculation" and "theory." It is caused also by his frequent recourse to natural feeling as a criterion of moral and political judgment and by an habitual attitude of mind, which he himself once described as "so much trust in the inclinations and prejudices of mankind, and so little in any thing else."¹ It is easy to take much of what Burke wrote on feeling, opinion, and prejudice as a rejection of reason. But on more careful analysis it appears that, to his mind, these elements of thought and action were not opposed, but complementary, to reason. Or rather, they were in themselves expressions of a deeper and truer rationality than that of the isolated individual mind. The harmony of reason and sentiment in Burke's thought will be brought out by an exposition, first of the place of natural feeling in his moral theory, then of his conception of the function of opinion and prejudice in politics.²

Natural Feeling as the Basis of Morals

At all periods of his life, Burke spoke frequently of spontaneous natural affections which are, so to speak, the source and well-spring of morals. These natural affections are so

¹ *Letter to the Sheriffs of Bristol* (1777), *Works*, III, 194.

² The relation between natural feeling and reason in Burke's moral theory has been extensively and perceptively discussed by Charles Parkin in *The Moral Basis of Burke's Political Thought* (Cambridge, 1956). My treatment of the subject, however, is independent of his.

many instincts implanted by God in human nature, to lead men in the right way and to prompt them to defend themselves against evil. They are not themselves moral virtues, but are rather natural inclinations to moral action, out of which will develop the moral habits called virtues. And so, "the wise legislators of all countries [have] aimed at improving instincts into morals, and at grafting the virtues on the stock of the natural affections."³

There is for example "the natural taste and relish of equity and justice."⁴ There is the religious instinct, for "man is by his constitution a religious animal; [and] atheism is against, not only our reason, but our instincts."⁵ There are the ties of blood relationship, "the ties of nature, which are the laws of God."⁶ These ties of nature are "the first bond of society." "The love that God has implanted in the heart of parents towards their children," Burke says, "is the first germ of that second conjunction which he has ordered to subsist between them and the rest of mankind."⁷ And there is "a hatred of the unjust and cruel" which "a kind Providence has placed in our breasts . . . in order that we may preserve ourselves from cruelty and injustice."⁸ These are a few of the moral instincts which Burke saw in human nature.

The relationship between natural feeling and morals evidently depends on the doctrine of the divine creation of human nature. God is the author of human nature and of its instinctive response to basic moral values. That is the reason why "nature . . . is wisdom without reflection and above it."⁹ "Never," says Burke, "was there a jar or discord,

³ *First Letter on a Regicide Peace* (1796), *Works*, VIII, 173.

⁴ *Letter to the Sheriffs of Bristol* (1777), *Works*, III, 152.

⁵ *Reflections* (1790), *Works*, V, 174.

⁶ Burke to the Comte d'Artois, 6 Nov. 1793, *Corr.*, IV, 186.

⁷ Hastings Trial, 5 June 1794, *Works*, XV, 346.

⁸ *Fourth Letter on a Regicide Peace* (1796), *Works*, IX, 99. Cf. *Works*, XV, 29.

⁹ *Reflections* (1790), *Works*, V, 78.

between genuine sentiment and sound policy. Never, no, never did nature say one thing and wisdom say another."¹⁰ And that is the reason, too, why Burke preferred to base his moral principles on natural sentiment rather than on speculative reasonings. "The languid and precarious operation of our reason,"¹¹ may easily misguide us, but genuine and spontaneous natural feeling is a revelation of the wisdom of the Author of nature. It is therefore a standard, not only for morals, but for politics as well: "the happiness or misery of mankind, estimated by their feelings and sentiments, and not by any theories of their rights, is, and ought to be, the standard for the conduct of legislators towards the people."¹²

Burke's theory of the foundation of morals in the natural affections bears an obvious resemblance to Adam Smith's *Theory of the Moral Sentiments*. The impression of resemblance is heightened by the praise which Burke bestowed on Smith's work when it first appeared. In his review of the work he said: "We conceive, that here the theory is in all its essential parts just, and founded on truth and nature. The author seeks for the foundation of the just, the fit, the proper, the decent, in our most common and most allowed passions; and making approbation and disapprobation the tests of virtue and vice, and shewing that those are founded on sympathy, he raises from this simple truth, one of the most beautiful fabrics of moral theory, that has perhaps ever appeared."¹³ Burke is here in evident agreement with the proposition that morality and propriety are founded in the passions, and seems to accept the further proposition that sympathy, another passion, is the ultimate standard of virtue and of vice. Yet Burke's moral theory cannot be explained without giving a place, and that the highest place, to reason.

¹⁰ *Third Letter on a Regicide Peace* (1797), *Works*, VIII, 295.

¹¹ *The Sublime and Beautiful* (1757), *Works*, I, 227.

¹² Notes for a speech in the Commons, 11 May 1792, *Speeches*, IV, 58, and *Works*, X, 46.

¹³ *Annual Register*, II (1759), 485.

For Burke was far from thinking sentiment a sufficient criterion of morals, nor would he have agreed with Rousseau that "the first emotions of nature are always right."¹⁴ He was quite as aware of evil passion as of moral inclination, and even before entering public life he wrote, "Men are full as inclined to Vice as to Virtue."¹⁵ He did not, to be sure, believe in that total depravity of human nature which is so often, and so wrongly, referred to as a Christian doctrine. The human mind, he said, "though corruptible," is "not complexionally vicious," and so it "would reject and throw off with disgust, a lesson of pure and unmixed evil."¹⁶ But nonetheless the mind is corruptible. Our feelings can be perverted to false ends, as when our natural sympathy with the oppressed against the oppressor is transferred to the criminal against the judge.¹⁷ But not only can a sound and healthy feeling be misdirected, it can be weakened from within "by pedantry and infidelity," and its place taken by "false and spurious" feelings, which "tend to corrupt our minds, to vitiate our primary morals, to render us unfit for rational liberty."¹⁸ If the process is carried far enough, natural moral sentiment vanishes altogether: "those who have denied the God of humanity, and made the apotheosis of Voltaire, are deprived of all the feelings of nature and of grace."¹⁹

But it is not only the depraved whose passions misguide them. Early in life Burke wrote, "We may have observed that the Passions which arise from self love frequently clash with those Duties which arise from our Relation to other Men. But less mischief arises from a restraint on our desires,

¹⁴ *Emile*, quoted in Burke's review of the same, *Annual Register*, V (1762), 226.

¹⁵ *Notebook*, 96.

¹⁶ *Letter to a Member of the National Assembly* (1791), *Works*, VI, 40. Cf. *Works*, II, 261; X, 412-413.

¹⁷ In the Commons, 14 Feb. 1791, *Speeches*, III, 532.

¹⁸ *Reflections* (1790), *Works*, V, 167.

¹⁹ Burke to de Bouillé, 13 July 1791, *Corr.*, III, 219. Cf. *ibid.*, 215.

than from indulging them to the prejudice of others."²⁰ The source of our duties, or of some of them, is here asserted to be our relations to other men, and this relation is asserted to be both frequently contrary to and superior to our passionate desires. "Thus," Burke concludes, "self Denial becomes the second of the Pillars of Morality."²¹ This is laid down as a general rule applicable to all men, not only to the depraved. No one can abandon himself to his felt desires.

Near the end of his life, in one of his final speeches against Warren Hastings, Burke restated this theme, saying that "it is better to have no principles at all than to have false principles of government and morality. Leave a man to his passions, and you leave a wild beast to a savage and capricious nature. . . . But when the principle founded on solid reason, is perverted from its proper end, the false principle will be substituted for it, and then man becomes ten times worse than a wild beast."²² Here will be noticed the close conjoining of principles of morality and of politics which was habitual with Burke. It is also to be noticed that these principles are "founded on solid reason." Without such principles, human nature is said to be "savage and capricious." Even without the corrupting force of false principles, a man ruled by his passions is "a wild beast." The affective and passionate side of human nature is therefore not by itself an adequate guide to moral action. It must be controlled and directed by reason.

Nor is this true of evil passion alone. "Our moral feelings," Burke is reported as saying, "are the most excellent part of our nature; but as they might mislead our judgment, it was of consequence to watch their operation."²³ Admit-

²⁰ *Notebook*, 73.

²¹ The first is the doctrine of immortality and of future rewards and punishments.

²² 30 May 1794, *Works*, XV, 105-106.

²³ In the Commons, 23 Dec. 1790, *Speeches*, III, 523.

tedly, this cautious and unenthusiastic praise of our moral feelings was not in Burke's usual vein. He adopted the tone on this occasion because an attempt had been made to arouse indignation in favor of Warren Hastings by reciting the injustices to which Burke had submitted him. A more typical expression of Burke's faith in moral feeling, which nonetheless reiterates the superiority of reason, is the following: "We are all of us made to shun disgrace, as we are made to shrink from pain, and poverty, and disease. It is an instinct; and under the direction of reason, instinct is always in the right."²⁴

The relationship which ought to exist between natural feeling and reason was pithily expressed in Burke's speech condemning the confiscation of private property on the island of St. Eustatius by the British forces during the War of American Independence. It was a principle of the law of nations, he said, that the conqueror must treat the conquered, who have freely surrendered, as he would his own subjects. He could not claim the title of king or demand their allegiance, if he did not respect their property. "This is a principle inspired by the Divine Author of all good; it is felt in the heart; it is recognized by reason; it is established by consent."²⁵ The principle is "inspired" by God through the sense of justice with which He has endowed human nature. It emerges into man's consciousness as an emotional reaction against unjust treatment. Reason recognizes the resentment as appropriate, because it sees the principle of natural justice of which the resentment is the emotional expression. Finally, the principle is established in international law by mutual consent among the nations. Reason, therefore, does not create, but recognizes, the principles of natural morality, in and through natural feeling.

²⁴ *Letter to a Noble Lord* (1796), *Works*, VIII, 47. Cf. *Works*, XV, 29.

²⁵ In the Commons, 14 May 1781, *Speeches*, II, 258. Cf. *Corr.*, III, 208.

This is true, not only in regard to the principles of morality properly so called, but also in regard to such "superadded ideas" as chivalry and respect for rank and sex, which are "the decent drapery of life . . . furnished from the wardrobe of a moral imagination, which the heart owns and the understanding ratifies, as necessary to cover the defects of our naked shivering nature."²⁶ It is for the heart to feel the rightness of certain modes of action: "We fear God; we look up with awe to kings; with affection to parliaments; with duty to magistrates; with reverence to priests; and with respect to nobility. Why? Because when such ideas are brought before our minds, it is *natural* to be so affected."²⁷ But it is for the reason or understanding to recognize that rightness and to ratify it. If need be, it is for reason to correct a response normally right, but now misdirected, or even to suppress a response which is not the true natural response to moral good or evil, but a corruption and perversion thereof.

That is why Burke insisted that the foundation of morals could not be a merely passionate response, like our aesthetic response to the sublime and beautiful, but had to be "our reason, our relations, and our necessities."²⁸ The function of natural affection is to express and manifest the basic needs of human nature and to indicate the bonds of justice and love that bind men in their fundamental relationships. It is the function of reason to recognize those needs and relations in and through their affective expressions, and to promulgate them in the rational dictates of moral law.

There is thus implicit in Burke's statements about natural feeling and morals the notion of a normal and dynamic human nature. Burke's conception of human nature, that is to say, is teleological: man's nature is not initially perfect

²⁶ *Reflections* (1790), *Works*, V, 151.

²⁷ *Ibid.*, 167.

²⁸ *The Sublime and Beautiful* (1757), *Works*, I, 235.

but needs to develop and to be perfected by virtuous action. Man has therefore been created with natural affective inclinations to virtue, which inclinations are an inner dynamism impelling him towards the good and away from the evil. It is not that man's natural inclinations to virtue make him automatically think and act virtuously, as instinct makes brute animals perform the actions proper to their species. Man also needs education, which must aim "at improving instincts into morals, and at grafting the virtues on the stock of the natural affections." The point is that there is something already present in human nature on which the virtues can be grafted. Nature is not indifferent to virtue, but through her spontaneous inclinations, points the way to virtue and furnishes reason with a connatural knowledge of the objects of rational moral choice.

This dynamic and teleological conception of human nature provides Burke with the link between morals and politics. The state, for him, has a moral function derived from the fact that human nature is not initially perfect but needs to be perfected. Civil society is therefore the true natural state of man, because it is the condition in which man's nature arrives at its highest development. Without civil society, Burke says, "man could not by any possibility arrive at the perfection of which his nature is capable, nor even make a remote and faint approach to it. . . . He who gave our nature to be perfected by our virtue, willed also the necessary means of its perfection—He willed therefore the state—He willed its connection with the source and original archetype of all perfection."²⁹ In another place Burke explains that the perfection of which human nature is capable is essentially the development of reason, and that the civil state is natural because it is necessary to the cultivation of reason. He says: "The state of civil society . . . is a state of nature; and much more truly so than a savage and inco-

²⁹ *Reflections* (1790), *Works*, V, 186.

herent mode of life. For man is by nature reasonable; and he is never perfectly in his natural state, but when he is placed where reason may be best cultivated, and most predominates."³⁰

The whole sweep of Burke's philosophy is in these two passages. God, the Author of the order of the universe, is also the Creator of human nature and of the moral order implicit in that nature. He has endowed man with a natural orientation to his own moral and rational perfection. Out of this fundamental orientation arises the natural moral order, that is to say, the rules of action which must be followed if "our nature [is] to be perfected by our virtue." The natural moral order therefore includes the political community or state, which is "the necessary means of [nature's] perfection" and the condition in which "reason may be best cultivated, and most predominates." Politics in this view appears as an extension of morals, and both spring from the dynamism of a human nature directed by God toward its own proper good and perfection.

The idea of human nature as the standard of moral and political judgment makes intelligible Burke's constant denunciation of theorizing and speculation in politics and his preference for following natural feeling, experience, and custom. The latter, he thought, were better indices of the true needs of human nature, the satisfaction of which was the purpose of political thought and action. Human nature, as it reveals itself in history and common experience, does not obviate the need of reason in politics, but it furnishes reason with a criterion of the soundness of its judgments; and this criterion is superior to abstract and a priori theorizing. As Burke told a Frenchman in 1789, "You have theories enough concerning the rights of men;—it may not be amiss to add a small degree of attention to their nature and disposition. It is with man in the concrete;—it is with common

³⁰ *Appeal from the New to the Old Whigs* (1791), *Works*, VI, 218.

human life, and human actions, you are to be concerned.”³¹ There was the true point of Burke’s criticism of “theory” and “speculation” in politics. He did not intend his criticism to be an attack on thought as such, but rather he meant to recall moral and political thought to its proper standard of judgment.

Having made this review of Burke’s doctrine of natural feeling as the basis of morals, we may take certain points as established. At the very least, they are these. First, Burke’s “nature” was not Nature, but human nature.³² Secondly, he conceived of human nature as a product and reflection of the Divine Intelligence, so that it had an intelligible structure, and was not an amorphous bundle of passions. And finally, in his substitution of “natural feeling” for “speculation” as the foundation of morality, Burke did not intend to exclude reason from the formulation of moral and political principles.

Opinion as the Foundation of Society

We must now turn our attention to another apparently irrational element in Burke’s political thought, that is, to what he called opinion and prejudice. “Man, in his moral nature,” said Burke, “becomes, in his progress through life, a creature of prejudice—a creature of opinions—a creature of habits, and of sentiments growing out of them. These form our second nature, as inhabitants of the country and members of the society in which Providence has placed us.”³³ What the natural moral affections do for us in the first instance as human beings, opinion and prejudice do for us as historically conditioned members of a society. They are a “second nature” which complements simple nature in serving as the foundation and the formative principle of a culture and a civilization.

³¹ Burke to DePont, Nov. 1789, *Corr.*, III, 114.

³² This point is well made by Kirk, *Conservative Mind*, 36.

³³ Hastings Trial, 12 June 1794, *Works*, XVI, 117.

To take opinion first, Burke did not bother to define it, but in common usage it connotes belief as opposed to knowledge, and Burke seems to use it in the same sense. Opinion may be true or false, but even if true and firmly held, it still differs from truths assented to because of a perception of the cogent reasons for them. Only the latter kind of proposition can properly be said to be known. The term opinion, furthermore, can be used to signify people's beliefs or views on any subject, however abstract or however trivial. But opinion, in the sense in which Burke understands it to be the foundation and the bond of society, is a fixed and settled belief, held in common by a large number of people, upon a subject which has a strong influence on men's lives. Finally, opinion has its greatest force when it has become so habitual as to be under ordinary circumstances beyond discussion.

The influence of opinion—be it true or false opinion—is enormously strong. In describing the hold of the caste system on the Indian mind, Burke went so far as to say that opinion was “the strongest principle in the composition of the frame of the human mind; and more of the happiness and unhappiness of mankind resides in that inward principle, than in all external circumstances put together.”³⁴ All government, he said on another occasion, “stands upon opinion,”³⁵ by which he meant that “the only firm seat of all authority is in the minds, affections, and interests of the people.”³⁶ Effective authority depends upon an habitual acceptance by the mass of men, and therefore men's opinions on political matters are not mere private beliefs, but social and political forces of the first importance, which governments ignore or neglect at their peril. Even military force cannot take the place of opinion “as a cementing principle

³⁴ Hastings Trial, 15 Feb. 1788, *Works*, XIII, 66.

³⁵ In the Commons, 7 May 1782, *Speeches*, III, 44, and *Works*, X, 93.

³⁶ *Address to the King* (1777), *Works*, IX, 178. Cf. *Works*, IX, 56.

in the fabric of government." Soldiers too are men, and their loyalty depends on their beliefs: "When opinion fails armies will turn upon their keepers."³⁷

But authority is founded not only nor even chiefly on political opinion. Deeper and more effective than political opinion are the moral beliefs which are the genuine foundation, not only of government, but of civilization itself. "Society cannot exist," Burke said, "unless a controlling power upon will and appetite be placed somewhere, and the less of it there is within, the more there must be without."³⁸ But the effective moral code of a society, the "controlling power within" of which Burke spoke, is not primarily a matter of reasoned conviction on the part of most men. It is rather a set of habits: habits of feeling, of thought, and of action. In Burke's terms, the morals of a nation depend on its opinions and prejudices, and on its manners.

For manners, the habitual modes of social intercourse which characterize a culture, are also essential to a society's morals and so to its well-being. Burke said:

Manners are of more importance than laws. Upon them, in a great measure, the laws depend. The law touches us but here and there, and now and then. Manners are what vex or sooth, corrupt or purify, exalt or debase, barbarize or refine us, by a constant, steady, uniform, insensible operation, like that of the air we breathe in. They give their whole form and colour to our lives. According to their quality, they aid morals, they supply them, or they totally destroy them.³⁹

Deeper yet than manners and morals is religion, "the grand prejudice, and that which holds all the other prejudices together."⁴⁰ "Nothing is more certain," Burke said, "than that our manners, our civilization, and all the good

³⁷ Burke to the Archbishop of Nisibi, 14 Dec. 1791, *Dublin Review*, CCII (1938), 140. Cf. *Works*, III, 60-61, 179.

³⁸ *Letter to a Member of the National Assembly* (1791), *Works*, VI, 64.

³⁹ *First Letter on a Regicide Peace* (1796), *Works*, VIII, 172. Cf. *Works*, VI, 36-37.

⁴⁰ *Letter to William Smith* (1795), *Works*, IX, 402. Cf. *Works*, VII, 363.

things which are connected with manners, and with civilization, have in this European world of ours, depended for ages upon two principles; . . . I mean the spirit of a gentleman, and the spirit of religion."⁴¹ Not that religion is related to civilization and to government as means to end. The order is rather the reverse. Speaking of "our humanity, our manners, our morals, our religion," Burke said, "the constitution is made by those things, and for those things: without them it cannot exist; and without them it is no matter whether it exists or not."⁴² But although, or rather because, religion represents the supreme value in society, it is also the basis of society. "On [the Christian] religion, according to our mode, all our laws and institutions stand as upon their base. That scheme is supposed in every transaction of life; and if that were done away with, every thing else, as in France, must be changed along with it."⁴³

Religion in a healthy society is, as Burke said of the established religion of his own country, "the first of our prejudices."⁴⁴ Therein lies its significance as a social force, that it is the basic moral and intellectual prepossession of the people. How God looked upon the divided condition of Christendom, and what favor its several parts enjoyed in His "secret dispensations," Burke said, "it is impossible to tell." But, he added, "humanly speaking, they are all *prescriptive* religions." The adherents of all the Christian denominations, he said, "have now their religion as an habit, and upon authority, and not on disputation; as all men, who have their religion derived from their parents, and the fruits of education, *must* have it; however the one, more than the other, may be able to reconcile his faith to his own reason, or to that of other men."⁴⁵ Burke's statement, were it in-

⁴¹ *Reflections* (1790), *Works*, V, 154.

⁴² *Fourth Letter on a Regicide Peace* (1796), *Works*, IX, 106.

⁴³ *Ibid.*, 126. Cf. *Works*, V, 173.

⁴⁴ *Reflections* (1790), *Works*, V, 176.

⁴⁵ *Letter to William Smith* (1795), *Works*, IX, 403.

tended as a ultimate justification of religious belief, would be unsatisfactory. But as it stands, it expresses very well his conception of the place occupied by opinion in human affairs.

In Burke's view, society was built on and held together by just such prescriptive beliefs, accepted by the greater part of men as prepossessions rather than as individually reasoned convictions, but of no less importance and respectability for that. On the foundation of these beliefs—religious, social, and political—there arose the vast structure of manners, morals, and institutions which was the civilization of "the great commonwealth of Christendom."⁴⁶ This whole civilization was a structure of what Burke called "opinion." The nurture and protection of opinion therefore became one of the major concerns of statesmanship.

Conversely, it was a primary dictate of political prudence never rashly to shake vital social opinions. It was essential to the peace and well-being of society, said Burke, that men's opinions of their duties should be "steady, sure and resolved."⁴⁷ It was folly, then, for a government by its arbitrariness to provoke men into questioning the principles on which they had previously obeyed without demur. And on the other hand, criticism of the social and political order, and in particular of the very bases of that order, since it tended to unsettle the opinions on which the whole system rested, ought not to be indulged in recklessly and without regard for consequences, but only cautiously and with circumspection.

It cannot be said that Burke was opposed to social criticism as such. He claimed, in fact, with some justification to have had a career as a reformer.⁴⁸ Early in his political life he had said, "I am not of the opinion of those gentlemen who are against disturbing the public repose; I like a clamour

⁴⁶ *First Letter on a Regicide Peace* (1796), *Works*, VIII, 164. Cf. *ibid.*, 181-183.

⁴⁷ *Appeal from the New to the Old Whigs* (1791), *Works*, VI, 209.

⁴⁸ *Speech on the Army Estimates* (1790), *Works*, V, 12.

whenever there is an abuse." But, he added—and the reservation was characteristic and significant—"a clamour made merely for the purpose of rendering the people discontented with their situation, without an endeavour to give them a practical remedy, is indeed one of the worst acts of sedition."⁴⁹ Burke's ideal of criticism was the statement of a definite abuse, together with the proposal of a definite remedy for it.⁵⁰ To go beyond that and raise questions that might shake the faith which sustained society was foolhardy and inexcusable.

Burke's conviction that fundamental questions of social and political theory ought not to be raised if they could be avoided was manifested throughout his political career. It was, for instance, the reason why he refused to discuss the sovereign rights of Parliament during the American colonial crisis. The relationship which had hitherto obtained between Parliament and the colonial legislatures had reconciled in practice "two very difficult points, superiority in the presiding state, and freedom in the subordinate." The same practical relationship would continue to work, Burke felt, if Parliament would cease "agitating those vexatious questions, which in truth rather belong to metaphysics than politics, and which can never be moved without shaking the foundations of the best governments that have ever been constituted by human wisdom."⁵¹ The abstract arguments about the rights of sovereign and subject, he told Parliament on a later occasion, should be left to the schools, where alone they could safely be discussed. "But if," he warned, "intemperately, unwisely, fatally, you sophisticate and poison the very source of government, by urging subtle deductions, and consequences odious to those you govern, from the unlimited

⁴⁹ In the Commons, 7 March 1771, *Speeches*, I, 92, and *Works*, X, 127.

⁵⁰ Burke to Miller, 17 April 1779, *Corr.*, II, 263-265.

⁵¹ *Observations on The State of the Nation* (1769), *Works*, II, 154. It is only fair to add that many historians question whether Burke's policy of letting sleeping dogs lie would have prevented or resolved the American crisis in the British Empire.

and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself in question."⁵²

In this period Burke held strongly that "*General* rebellions and revolts of a whole people never were *encouraged*, now or at any time. They are always *provoked*."⁵³ The revolt of the Americans could not therefore be explained away as a disturbance stirred up by the agitation of a faction among them.⁵⁴ The political theorizing which accompanied the American Revolution, deplorable though it was, must be recognized as a symptom, not a cause, of the disorder. "The bulk of mankind," Burke said, "on their part are not excessively curious concerning any theories, whilst they are really happy; and one sure symptom of an ill-conducted state, is the propensity of the people to resort to them."⁵⁵ ?

As is well known, Burke refused to apply his own principle to the French Revolution, and insisted on regarding that massive event as having been planned by conspirators according to a theory. He might have said of the Revolution what a modern wit has said of Communism, that it "isn't a theory; it's only the mood of the disinherited." But instead he said, "I may speak it upon an assurance almost approaching to absolute knowledge, that nothing has been done that has not been contrived from the beginning, even before the states [general] had assembled."⁵⁶ He has often, and no

⁵² *Speech on American Taxation* (1774), *Works*, II, 433. Cf. *Works*, III, 190-191.

⁵³ *Letter to the Sheriffs of Bristol* (1777), *Works*, III, 170. Cf. *Works*, II, 224; *Corr.*, II, 121.

⁵⁴ *Address to the King* (1777), *Works*, IX, 175-176.

⁵⁵ *Letter to the Sheriffs of Bristol* (1777), *Works*, III, 186.

⁵⁶ *Letter to a Member of the National Assembly* (1791), *Works*, VI, 7. Cf. *Works*, VIII, 172; *Corr.*, III, 176. Burke probably refers here to a letter which he had from Tom Paine before the latter realized that Burke was an opponent of the Revolution. Paine in turn quotes from a letter he had received from Thomas Jefferson in Paris, under date of 11 July 1789, in which Jefferson said, "The National Assembly having through every Stage of these transactions shewn a coolness, wisdom, and determination to set fire to the four corners of the Kingdom and perish with it themselves, rather than relinquish an Iota of their Plan of a total Change of government, are

doubt justly, been criticized on that account. But the principle that political theory is inspired by real grievances is only one side of his thought. There is another kind of theorizing, which is not symptomatic of existing popular discontent, but which seeks to excite a factitious discontent. Burke saw, or thought he saw, such unwarranted and dangerous theorizing in the radical ideology, both French and British, of the revolutionary era; and he reacted violently against it.

To obtain a balanced view of Burke's attack on the radical political theory, however, two preliminary points must be made. The first is that although he felt that it was "always to be lamented when men are driven to search into the foundations of the commonwealth," as a Whig and an heir of the Glorious Revolution of 1688, he admitted that it was sometimes necessary.⁵⁷ Many years earlier he had laid it down that at times it was even necessary "to vouch and call to warranty those principles of original justice from whence alone our title to every thing valuable in society is derived."⁵⁸ But such cases were the exception and not the rule. "The foundations, on which obedience to governments is founded," Burke said in 1792, "are not to be constantly discussed. That we [the members of Parliament] are here, supposes the discussion already made and the dispute settled."⁵⁹ If remarks of this tenor were made by Burke more frequently in his later years, that is chiefly because he thought that the political agitation of those years forced him to defend the bases of authority against a radical and destructive kind of criticism.

now in compleat and undisputed possession of the Sovereignty." Paine adds: "you see by this letter . . . what darkness the King and Court were in respecting what was going forward." 17 Jan. 1790, Fitzwilliam MSS (Lamport).

⁵⁷ In the Commons, 8 May 1780, *Speeches*, II, 160, and *Works*, X, 72.

⁵⁸ *Tracts on the Popery Laws* (1761), *Works*, IX, 355. Cf. *Speeches*, I, 110.

⁵⁹ Notes for a speech in the Commons, 11 May 1792, *Speeches*, IV, 61, and *Works*, X, 51.

But even in this period he continued to be aware of the need for controlling as well as supporting authority.⁶⁰

The second point is that Burke was capable of distinguishing between "that Jacobinism which is speculative in its origin," and the "Jacobinism which arises from penury and irritation, from scorned loyalty and rejected allegiance."⁶¹ He made this distinction when writing on the popular discontent in Ireland which soon afterwards erupted in the rebellion of 1798, and it may be remarked here that critics of Burke's pronouncements on the French Revolution ought to balance against them his statements on Irish affairs during the same period. The latter statements prove that the Burke of the American revolutionary crisis was not wholly swallowed up in the anti-Jacobin Burke of twenty years later. Even in regard to France, Burke put his condemnation of radicalism in these terms: "I never will be persuaded that, because people have lived under an absolute monarchy, with all its inconveniences and grievances; therefore, they are in the right to ruin their country, on the speculation of regenerating it in some shape or other."⁶² He did not deny the grievances of the French in this passage, but blamed them for attempting a radical remedy for their wrongs.

When all this has been said, however, it still remains true that Burke saw the French Revolution, not as a popular uprising, but as the result of a conspiracy inspired by a false and dangerous spirit of antisocial criticism. As he saw it, radical opinion was generated by "a certain intemperance of intellect" which was "the disease of the time, and the source of all its other diseases."⁶³ As one historian has said, the tone of passion in which Burke attacked the advocates

⁶⁰ *Letter to William Elliot* (1795), *Works* VII, 368.

⁶¹ Burke to Hussey, Dec. 1796, *Corr.*, IV, 380-381. Cf. *Works*, VI, 362-363.

⁶² Burke to Francis, 19 Nov. 1790, *Corr.*, III, 177.

⁶³ *Letter to a Member of the National Assembly* (1791), *Works*, VI, 61. Cf. Bossuet's remarks a century earlier on "*l'intempérance de l'esprit*" and "*la fausse critique qui est la maladie et la tentation de nos jours.*" Paul Hazard, *La Crise de la conscience européenne* (Paris, 1935), 219-220.

of sweeping change was due to his discernment, as the characteristic of the radical philosophy, of an intellectual presumption which amounted to atheism in politics. Radicalism was the enemy because it had no reverence.⁶⁴

Burke reacted therefore to the wave of political speculation which accompanied the French Revolution by denouncing theory. But he did not merely denounce: he advanced a counter-theory. His greatest work, the *Reflections on the Revolution in France*, was written, as his son said, in order "to trace the principles of our constitution in the practice of our ancestors & to shew that there is a real philosophical foundation in those moral & religious opinions upon which society has hitherto stood, & that all other theories are vain & delusive inventions whether they concern government or religion."⁶⁵ But even though he could theorize himself when he thought it necessary, Burke felt that it was "the misfortune (not as these gentlemen think it, the glory) of this age, that every thing is to be discussed, as if the constitution of our country were to be always a subject rather of altercation than enjoyment."⁶⁶ As he explained in the *Appeal from the New to the Old Whigs* (1791), this critical spirit led people to believe that "all prescriptive government is in its nature usurpation." It encouraged a litigious attitude in minds susceptible of doubts but too immature to solve them. It destroyed the docility of those who were incapable of finding their own way through the labyrinth of political theory. All this, he warned, given the proper conditions, could so weaken the bond of society as to lead to revolution.⁶⁷

The radical ideology against which Burke fought so vigorously was abstract, rationalistic, and individualistic. Its initial premise was an idea of man, conceived in the abstract,

⁶⁴ Philip Anthony Brown, *The French Revolution in English History* (London, 1918), 76.

⁶⁵ Richard Burke, Jr. to Fitzwilliam, 8 Sept. 1790, Fitzwilliam MSS (Lamport).

⁶⁶ *Reflections* (1790), *Works*, V, 175.

⁶⁷ *Works*, VI, 251-252.

from which was deduced a "natural order" of society, which was to serve in its turn as the universal criterion of the legitimacy of authority. The details of the ideology will be presented in a later chapter; here it is enough to note that its essential characteristic was its individualism. Not only did it take the individual, though abstract, man as its point of departure, but more importantly, it construed rationalism to mean, as Burke had said decades before in the *Vindication of Natural Society* (1756), that "the practice of all moral duties, and the foundations of society, rested upon having their reasons made clear and demonstrative to every individual."⁶⁸ The corrosive power of radicalism therefore lay in the assertion of the claims, not of reason alone, but of the individual reason. As John Morley has put it, paraphrasing Burke, "if you encourage every individual to let the imagination loose upon all subjects, without any restraint from a sense of his own weakness, and his subordinate rank in the long scheme of things, then there is nothing of all that the opinion of ages has agreed to regard as excellent and venerable, which would not be exposed to destruction at the hands of rationalistic criticism."⁶⁹ Against this intellectual dissolvent of society, Burke asserted the claims of social opinion, which in defiance of his age, he chose to call prejudice. The next step therefore is to consider the relationship in Burke's thought between prejudice and reason.

Prejudice

The eighteenth century, which regarded itself as peculiarly an Age of Reason, was wont to distinguish the reason it adored from the prejudice it abhorred. H. B. Acton has put the distinction rather neatly in these words:

On the one hand, then, there are beliefs and practices and standards which have been accepted for long periods, which we

⁶⁸ *Works*, I, 7.

⁶⁹ *Burke* (English Men of Letters Series, New York, n.d.), 15. Cf. *Works*, I, 6-7.

receive as children with no opportunity of criticism, which enter into our conscience and our habits and thus seem natural and beyond all question. On the other hand, there are beliefs and practices and standards which we ourselves helped to formulate, which have survived criticism, or at any rate have emerged from it, and which we hold to self-consciously on the basis of evidence or reasons. On the one hand, that is, there is tradition, and on the other hand there is reason, and "prejudice" appears to be another name for the former. That, at any rate, was a belief very widespread during the Enlightenment.⁷⁰

As Mr. Acton goes on to remark, it is striking that Burke chose to defend tradition under the name of prejudice. Obviously he did this, as we have said, in defiance of the age in which he lived. "It will be noticed," Acton says, "that in the famous passage in the *Reflections on the Revolution in France* in which he writes of cherishing our prejudices because they are prejudices, he begins with a sarcastic reference to 'this enlightened age.'"⁷¹

Burke had frequently used the word, prejudice, in its ordinary and pejorative sense, and continued to do so even after he had made the term an antirationalist shibboleth. It is somewhat amusing that he should have replied to Philip Francis's criticisms of the first draft of the *Reflections* by saying: "I know nothing more than that I oppose the prejudices and inclinations of many people. This I was well aware of from the beginning; and it was in order to oppose those inclinations and prejudices, that I proposed to publish my letter."⁷² Prejudice clearly meant different things to Burke on different occasions. In the approbative sense, in which alone it will be discussed here, it was closely related to custom and tradition, and meant in effect old and inveterate opinion.

⁷⁰ "Prejudice," *Revue Internationale de Philosophie*, XXI (1952), 326.

⁷¹ *Ibid.*, 335.

⁷² Burke to Francis, 20 Feb. 1790, *Corr.*, III, 137.

Prejudice is not only old opinion. As a social force it is common or social opinion. When such opinion was founded on long popular experience, Burke had great faith in it. For example, when his friend, Walker King, was deliberating whether to take a position as tutor to the Duke of Richmond's children, Burke wrote to him: "The Duke, with the best parts, as well as the best intentions in the world, has some singular opinions, of which he is extremely tenacious. In the Education of Children particularly he differs much from the sentiments and practice almost universally adopted. Undoubtedly the Chance is, that all singular opinions, in matters so obvious to popular experience, as Life & Manners, should be wrong ones."⁷³ Burke's estimation of common opinion is in strong contrast with Rousseau's. Of him Burke says: "To know what the received notions are upon any subject, is to know with certainty what those of Rousseau are not." Rousseau in consequence, he agrees, is never trite; but considerable parts of the system of education proposed in his *Emile* are "impracticable" and "chimerical," and not a few are "highly blameable, and dangerous both to piety and morals."⁷⁴

Prejudice, in the sense in which Burke praises it, is not irrational. Yet there is a sense in which it is opposed to reason. The reason to which it is opposed is that of the thorough individualist, who is primarily concerned with his own rights and interests, who demands evidence which is clear and convincing to his mind before he will give his intellectual assent, and who acknowledges no moral law save that of his own conscience. Burke hinted at this sort of intellectual individualism as the spirit of his age when he said that "in our times it is not impossible, that the noblest of all dispositions, the love of truth, has led us to a little more than a just disregard to facts, which do not come accompa-

⁷³ 21 June 1774, MS in the Pierpont Morgan Library (New York).

⁷⁴ *Annual Register*, V (1762), 225.

nied with the clearest evidence."⁷⁵ But the contrast between prejudice and individual reason is most fully set forth in the well-known passage in the *Reflections* in which Burke says:

You see, Sir, that in this enlightened age I am bold enough to confess, that we are generally men of untaught feelings; that instead of casting away all our old prejudices, we cherish them to a very considerable degree, and, to take more shame to ourselves, we cherish them because they are prejudices; and the longer they have lasted, and the more generally they have prevailed, the more we cherish them. We are afraid to put men to live and trade each on his own private stock of reason; because we suspect that the stock in each man is small, and that the individuals would do better to avail themselves of the general bank and capital of nations and of ages. Many of our men of speculation, instead of exploding general prejudices, employ their sagacity to discover the latent wisdom which prevails in them. If they find what they seek, and they seldom fail, they think it more wise to continue the prejudice, with the reason involved, than to cast away the coat of prejudice, and to leave nothing but the naked reason; because prejudice, with its reason, has a motive to give action to that reason, and an affection which will give it permanence. Prejudice is of ready application in the emergency; it previously engages the mind in a steady course of wisdom and virtue, and does not leave the man hesitating in the moment of decision, sceptical, puzzled, and unresolved. Prejudice renders a man's virtue his habit; and not a series of unconnected acts. Through just prejudice, his duty becomes a part of his nature.⁷⁶

The contrast is further heightened by the sentences which immediately follow: "Your [French] literary men, and your politicians, and so do the whole clan of the enlightened among us [the English], essentially differ in these points. They have no respect for the wisdom of others; but they

⁷⁵ *Annual Register*, XVI (1773), 255.

⁷⁶ *Works*, V, 168-169.

pay it off by a very full measure of confidence in their own." The opposition is not between reason and blind prejudice, as the Enlightenment believed. Rather it is between "private" or individual reason and common or social prejudice, which, as Burke said of the established religion of England, is "not a prejudice destitute of reason, but involving in it profound and extensive wisdom."⁷⁷

But if prejudice is a manifestation of "reason" and of "wisdom," it may be asked, whose reason and whose wisdom? Burke answers that it is a wisdom drawn from "the general bank and capital of nations and of ages." Prejudice is based upon confidence in "the wisdom of our ancestors."⁷⁸ It is a manifestation of the collective wisdom of the human species, "for man is a most unwise, and a most wise being. The individual is foolish. The multitude, for the moment, is foolish, when they act without deliberation; but the species is wise, and when time is given to it, as a species it almost always acts right."⁷⁹ Russell Kirk comments: "At times, Burke approaches very nearly to a theory of a collective human intellect, a knowledge partially instinctive, partially conscious, which each individual inherits as his birthright and his protection."⁸⁰ That surely is putting it rather strongly, for, as Sir Ernest Barker points out, "the collective mind of man" is "not a single 'group-mind,' but the interpenetration and co-operation of many individual minds."⁸¹ It is true, however, that prejudice is an inherited wisdom, only partially conscious in anyone, and in many scarcely conscious at all. But that is its strength as well as its defect. For what it lacks in the conscious conviction appropriate to "naked reason," it makes up by the force it gains from its association with "affection" and "habit." "Prejudice is of ready applica-

⁷⁷ *Ibid.*, 176.

⁷⁸ For Burke's belief in "the wisdom of our ancestors," see *Works*, III, 81; V, 436; VI, 165; *Corr.*, II, 383; *Speeches*, III, 226, 360.

⁷⁹ In the Commons, 7 May 1782, *Speeches*, III, 47, and *Works*, X, 97.

⁸⁰ *Conservative Mind*, 33.

⁸¹ *Essays on Government*, 222.

tion in the emergency; it previously engages the mind in a steady course of wisdom and virtue Through just prejudice, [a man's] duty becomes a part of his nature. A man then acts with a wisdom greater than his own, the wisdom of the species.

Prejudice, translated into habits of action, is custom, and what Burke says of custom, may be said of prejudice as well: "There is some general principle operating to produce Customs, that is a more sure guide than our 'Theories.'" A little below, he indicates what that general principle is: it is "the wisdom of nature or rather providence."⁸² The collective reason of the human race, which finds expression in its immemorial customs and prejudices, is under the guidance of the Divine Reason. This, in turn, is a corollary of the fundamental tenet of Burke's philosophy, the Christian doctrine of creation.

As we have said, Burke was well aware of the pejorative sense of prejudice, and once confessed, "we carry on a poor unequal conflict with the passions and prejudices of our day, perhaps with no better weapons than other passions and prejudices of our own."⁸³ But he saw the basic prejudices of a good society as something other than the expression of passion. Like the natural moral sentiments, from which they sprang, these prejudices were manifestations of the ultimate intelligence which framed and guides the universe. Moreover, even when uncritically accepted, they were the fruit of an age-old wisdom which the mind, not of one man nor of one generation, but of countless successive generations had produced, elaborated, and approved. Prejudice thus understood was not opposed to reason. Rather it was reason, though not naked individual reason. Prejudice was social reason, encased in sentiment and habit and transmitted

⁸² *Notebook*, 90.

⁸³ Burke to Robertson, 10 June 1777, *Corr.*, II, 165.

from age to age in the only form in which it could be transmitted, as prepossession and bias of the mind and affections.

Burke saw much more clearly than the rationalists of his day that political reason operates within a tradition, which it may criticize and correct, but from which it cannot disassociate itself. The function of reason for Burke was to purify, adapt, and develop the tradition, not to overthrow it. The enlightened mind of the eighteenth century, on its part, looked on the past as a record of ignorance, superstition, and barbarity, and on the present as an era in which a few men were acquiring enough knowledge and wisdom to rescue the mass of mankind from the darkness and misery of ages. So at least Burke understood the revolutionary political philosophy. "What is Jacobinism?" he asked. "It is an attempt (hitherto but too successful) to eradicate prejudice out of the minds of men, for the purpose of putting all power and authority into the hands of the persons capable of occasionally enlightening the minds of the people."⁸⁴ Burke's attitude, on the other hand, though profoundly aristocratic, still included a deep faith in the inherited wisdom of the people. Descartes' methodic doubt, the spirit of which so thoroughly permeated the intellectual movement called the Enlightenment, had no appeal for Burke. To his mind, what large numbers of men had devoutly believed over long periods of time was never contemptible, even though it were called prejudice.

This notion of prejudice indicates what Burke considered to be the true function of the intellectual in regard to the inherited beliefs of society. He need not and ought not to accept all prejudices uncritically: Burke himself said he wrote the *Reflections* in order to oppose "the prejudices and inclinations of many people." But the intellectual will distinguish the prejudice which is passion from the prejudice which is inherited wisdom, and "the longer they have lasted,

⁸⁴ Letter to William Smith (1795), *Works*, IX, 402.

and the more generally they have prevailed," the more inclined he will be to put prejudices in the latter class. In regard to these prejudices he will be like Burke's "men of speculation, [who] instead of exploding general prejudices, employ their sagacity to discover the latent wisdom which prevails in them." Like Burke himself, the intellectual will strive "to shew that there is a real philosophical foundation in those moral & religious opinions upon which society has hitherto stood." This he will do in the confidence that man is, with all his faults and weaknesses, a rational animal, and that "the species is wise, and when time is given to it, as a species it almost always acts right."

Conclusion

Burke's theory of reason in politics was one which set little store on clear and distinct ideas. Burke was far too keenly aware of the complexity and obscurity of political reality to be tempted into an abstract rationalism. Yet it has been the thesis of this first part of our study that his political thought was essentially intellectualist in quality. Burke's intellectualism was inspired by his belief in the divine creation of the universe. Because he saw the universe as a whole and human nature in particular as produced by a transcendental intelligence, Burke was able to find wisdom outside the individual human mind and to view even such apparently irrational factors as natural sentiment, social opinion, and prejudice as expressions of a wider and deeper rationality.

Burke's political thought was also characterized by an intense practicality. Political reason for him was practical reason in the Aristotelian sense. The great goals and the main guide-lines of politics were furnished by the natural and divinely given moral order, but this order did not furnish a blueprint for political society. The structure of civil society had to be built by men, but it was not the work of

one generation nor could it be fashioned after a simple ideal pattern. Rather it was developed slowly, from generation to generation, by a kind of thinking which combined sincere respect for principle with a careful and unflagging attention to concrete political actuality in all its flux and variety.

This theory of practical reason in politics furnishes a key to much of Burke's thought. His conception of the proper structure of society, his doctrine of prescription, his theory of conservation and reform—these and other aspects of his thought cannot be understood if Burke is taken as merely an empiricist in the British philosophical tradition. It is well known that he distrusted abstract reason and objected to the introduction of a priori arguments into political questions. His reliance on tradition and experience, his predilection for "prejudice" and custom, his insistence on the conventional and evolving character of human society are also well known. But to understand his thought as a whole, it is necessary to perceive that he did not oppose nature and convention, prejudice and reason, or tradition and reform. In his mind all these fell together into a vast and coherent pattern in which the designs of the Creator, the demands of nature, and the artificial social arrangements produced by the mind and will of man made one great and continuous whole. The central idea in Burke's thought, as we have said, was that of order. But this order, as he understood it, was neither wholly natural nor wholly conventional. It was a joint product of God and man, in which the order of society, derived from and reflecting the divinely-ordained order of the universe, was produced, maintained, and improved by the constant exercise of man's political reason. In the second part of this study we shall therefore address ourselves to a closer examination of the work accomplished by political reason.

Part Two

THE WORK OF REASON IN POLITICS

Chapter Four

THE SOCIAL ORDER

BURKE HELD the supremacy of the natural moral law over every human authority. But, normally at least, he saw the natural law as mediated to society through its traditions, its institutions, and its positive law.¹ The public order within which men sought their common welfare and pursued their private interests was not constituted and regulated directly by the natural law as such. The creation and maintenance of the public order was rather the function of the positive law of the state, applying the supreme norms of natural law according to the rules of prudence.² Civil society for Burke, therefore, was not the product of nature alone, nor of abstract reason, still less of mere human will. It was an artifact made by man's practical intellect working after a basic pattern established by nature, but to be realized in history. This conception of the work of political reason colored all of Burke's philosophy of society and government, some of the more important aspects of which will be the subject of this second part of our study.

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The Nature of Civil Society

For Burke civil society was both natural and conventional. It was a commonplace among the radical thinkers of his day to attack artificial and vitiated society in the name of a true and natural order of society. Burke, however, re-

¹ I am here indebted to Stanlis, *Burke and the Natural Law*, 87-88.

² In the Commons, 7 Feb. 1771, *Speeches*, I, 75, and *Works*, X, 66.

fused to accept this dichotomy. His first published work, *A Vindication of Natural Society* (1756), was a satirical *reductio ad absurdum* of the assumed contradiction between the natural and the artificial. In his later years he elaborated a theory in which human nature was seen as realizing itself through the artificial and conventional order of civil society. In other words, instead of opposing nature to history, Burke saw history as the expression and actualization of nature.

Perhaps the best statement of Burke's view was the passage in the *Appeal from the New to the Old Whigs* (1791), already quoted, in which he said:

The state of civil society . . . is a state of nature; and much more truly so than a savage and incoherent mode of life. For man is by nature reasonable; and he is never perfectly in his natural state, but when he is placed where reason may be best cultivated, and most predominates. Art is man's nature. We are as much, at least, in a state of nature in formed manhood, as in immature and helpless infancy.³

In this passage Burke presents in a highly condensed form substantially the same argument for the naturalness of the state as does Aristotle in the opening chapter of the *Politics*. Briefly, man is by nature rational, and therefore civil society is his natural state. Why is this illation valid? It is because an adequate concept of the nature of man, as of anything else, can be formed only by considering him, not in his primitive and imperfect condition, "in immature and helpless infancy," but in his final and developed state of "formed manhood."⁴ It is adults who exhibit plainly the specifically human attribute of reason, not infants. In that sense the adult is more fully human than the new-born child. But human rationality can be brought to its proper develop-

³ *Works*, VI, 218.

⁴ This statement seems clearly to be an echo of Aristotle's principle that "nature is an end, since that which each thing is when its growth is completed we speak of as being the nature of each thing, for instance of a man, a horse, a household." *Politics*, Loeb Classical Library, translated by H. Rackham (London and New York, 1932), Bk. I, chap. i, p. 9.

ment only in an organized political community. It follows that civil society is more truly the "natural" state of man than "a savage and incoherent mode of life."

✓ This argument reveals, perhaps unwittingly, how different was Burke's conception of the nature of man and society from the view implied in the social contract theory whose terminology he frequently employed. Burke's social philosophy was teleological; the social contract theory was not. As Professor Laski put it,

From the time of Bacon, the main object of speculation was to disrupt the scholastic teleology. In the result the State becomes dissolved into a discrete mass of individuals and the self-interest of each is the starting-point of all inquiry. . . . The organic society of the middle ages gives place to an individual who builds the State out of his own desires. Liberty becomes their realization; and the object of the State is to enable men in the fullest sense to secure the satisfaction of their private wants.⁵

Government's primary function, in this philosophy, was to maintain the individual so far as possible in the self-contained condition in which he had existed in the state of nature. Whatever the individual surrendered of his self-sufficiency on entering civil society was just that—a surrender. It was the yielding up of part of his natural rights in order the more effectively to maintain the rest. The "nature" of the individual was thus identified with his "natural rights," that is, with his original and prepolitical condition in the state of nature. Consequently there was in this philosophy no teleology and so no dynamism, because there was no notion of a more perfect, more truly human and therefore more truly "natural" condition which it was the purpose of the state to help to realize. The final goal was only the more effective protection of the starting point, the self-contained individual.

⁵ *Political Thought from Locke to Bentham*, 284.

Now Burke to a large extent spoke the language of the social contract theory, and especially of its Lockean version: it was, after all, the language of his time. Nor was his thought ever wholly divorced from Locke's. Yet his conception of the nature of man and of human society implied the notion of moral perfection as a final cause. "Society," said Burke in agreement with Locke and the eighteenth century generally, "is indeed a contract." But it is not a mere commercial partnership entered into for the temporary interest of individuals. Quite the contrary: "It is a partnership in all science; a partnership in all art; a partnership in every virtue; and in all perfection."⁶ Society has an end or purpose, and that purpose is nothing less than the natural perfection of man. This teleological notion dominates most of Burke's social thought.

But man's most natural state, namely civil society, is one which he makes for himself, for he is a being "whose prerogative it is, to be in a great degree a creature of his own making."⁷ Be it noted, however, that man may not make of himself what he will. He has an obligation to make himself according to a pattern of virtue derived from the structure of human nature. Civil society is natural because necessary to the realization of this pattern. "He who gave our nature to be perfected by our virtue, willed also the necessary means of its perfection—He willed therefore the state."⁸ Or, as Burke puts it in the passage quoted above from the *Appeal from the New to the Old Whigs*, civil society is natural because it provides the milieu in which man's highest natural characteristic, reason, "is best cultivated, and most predominates." But for this very reason civil society is also artificial: that is, it is artificial because it is a work of reason, a construct and a product of human minds and wills, something which man makes for himself. In and through civil society

⁶ *Reflections* (1790), *Works*, V, 183-184.

⁷ *Ibid.*, 177.

⁸ *Ibid.*, 186.

man perfects his nature by his art. In Burke's lapidary phrase, "Art is man's nature."

Civil society is thus natural only in the sense of being demanded by human nature. It does not have a natural existence of itself, but has to be made by men. Burke said that "by *nature* there is no such thing as politic or corporate personality; all these ideas are mere fictions of law, they are creatures of voluntary institution; men as men are individuals, and nothing else."⁹ He explained his meaning more fully in these terms: "In a state of *rude* nature there is no such thing as a people. A number of men in themselves have no collective capacity. The idea of a people is the idea of a corporation. It is wholly artificial; and made like all other legal fictions by common agreement."¹⁰ Civil society, therefore, although formed in response to a natural impulse and for the attainment of a natural purpose, is in its being "wholly artificial."

Burke developed this thesis against those who "build their politicks, not on convenience but on truth; and . . . profess to conduct men to certain happiness by the assertion of their undoubted rights."¹¹ The thesis, that is to say, was directed against the natural-rights school of political thought and was in effect a denial that the natural rights of men, by themselves, furnished an adequate standard for determining the rights of men in society. Since society was "wholly artificial," said Burke, the rights of civil, social man were a question of "convenience" and not simply of abstract truth. The correct answer to the question of the rights of men had to be worked out by political reason and depended on an awareness of the manner in which rights actually existed in historical society. Or, to put it in other words, a sound philosophy of rights required an accurate statement of the

⁹ In the Commons, 7 May 1782, *Speeches*, III, 45, and *Works*, X, 94.

¹⁰ *Appeal from the New to the Old Whigs* (1791), *Works*, VI, 210-211. Cf. *Works*, VII, 366; VIII, 79.

¹¹ *Ibid.*, 257.

fundamental relationship between freedom and order in the social structure.

Freedom and Order

Freedom had neither interest nor even meaning for Burke apart from the notion of society and its order. "The liberty I mean," he explained to a French correspondent, "is *social* freedom."¹² Liberty was a great blessing, he said, but not a unique one. It had to be combined "with government; with publick force; with the discipline and obedience of armies; with the collection of an effective and well-distributed revenue; with morality and religion; with solidity and property; with peace and order; with civil and social manners. All these (in their way) are good things too," Burke commented, "and without them, liberty is not a benefit whilst it lasts, and is not likely to continue long."¹³

Burke's social ideal therefore was ordered liberty. The only liberty he recognized was a "liberty connected with order; that not only exists along with order and virtue, but which cannot exist at all without them."¹⁴ Liberty and order, freedom and authority, in Burke's mind, were not antithetical but complementary. Speaking once on a narrow point of parliamentary practice, he made what can be taken as a general statement of his political thought on this matter: "the ancient order, in which the rights of the people have been exercised, is not a restriction of those rights. It is a method providently framed in favour of those privileges which it preserves and enforces by keeping in that course which has been found the most effectual for answering their ends."¹⁵

The key idea in Burke's synthesis of freedom and authority is therefore the notion of social order. Nor was this mere-

¹² Burke to DePont, Nov. 1789, *Corr.*, III, 106.

¹³ *Reflections* (1790), *Works*, V, 37. Cf. *Works*, III, 185.

¹⁴ *Speech at Bristol*, 13 Oct. 1774, *Works*, III, 8. Cf. *Works*, V, 433-434.

¹⁵ In the Commons, 14 June 1784, *Speeches*, III, 16-17, and *Works*, IV, 141.

ly or primarily an abstract idea for him. He conceived of rights and liberties as concrete parts of an actual order on which their existence depended. For example, he said that the British people considered Britain's war against Revolutionary France "a war for that order of things, from which every thing valuable that they possess is derived, and in which order alone it can possibly be maintained."¹⁶ Whether or not the British people thought that, it is certain that Burke did. The dependence of the major values of life on an actual social order was a profound conviction with him. One of the themes most insisted on in his *Thoughts on French Affairs* (1791) and *Remarks on the Policy of the Allies* (1793) was that a restoration of the French monarchy must entail more than a restitution of the royal authority to the person who happened to be its rightful possessor. It must be a restoration of the whole ancient fundamental constitution of France in all its orders: nobility, clergy, landed proprietors, corporations of burghers—all of these must be restored to their lawful positions and their property. To bring back the monarch alone would be the establishment of Jacobinism under a king. It was primarily the social order that had been attacked by the Revolution, and so it was primarily the social order that must be restored.¹⁷

This defense of the *ancien régime* can be taken—indeed, often has been taken—as mere reaction. But it should be remembered that Burke's attack on the French Revolution was simultaneous with his defense of the hapless inhabitants of Ireland and India against oppression. Unless Burke is to be accused of blatant inconsistency, a unifying principle must be sought which will reconcile the positions he took in regard to France, Ireland, and India in the 1790's. That principle will be found, it is submitted, in the idea of the

¹⁶ *Third Letter on a Regicide Peace* (1797), *Works*, VIII, 352.

¹⁷ *Works*, VII, *passim*. Cf. *Works*, V, 18-21; VI, 51.

social order as the embodiment and bulwark of men's rights and liberties.

Burke's denunciation of Warren Hastings was made on the same principle as his indictment of the French Revolution. He accused Hastings of holding that the people of India had no rights against their government. But the terms in which this accusation was made are significant. Burke said: "The people, he [Hastings] asserts, have no liberty, no laws, no inheritance, no fixed property, no descendable estate, no subordinations in society, no sense of honour, or of shame."¹⁸ We have seen that Burke recurred to principles of natural law in his attack on Hastings' administration of India. Yet he did not conceive the rights of which he accused Hastings of depriving the people of India as naked natural rights. Rather, the rights and liberties of the Indian people are spoken of here as dependent on a society structured by rank and property, ordered by law, and supported by sentiments of honor and shame. It was the substance of Burke's charge against the French Revolution that it too was an attack on rank, property, law, and moral sentiment, and therefore on social, ordered freedom.

But although ordered freedom was enjoyed in different degrees by different ranks of people, if it was to be truly social liberty, it must belong to the whole society. "*Partial freedom is privilege and prerogative, and not liberty,*" said Burke. "Liberty, such as deserves the name, is an honest, equitable, diffusive, and impartial principle. It is a great and enlarged virtue, and not a sordid, selfish, and illiberal vice. It is the portion of the mass of the citizens; and not the haughty license of some potent individual, or some predominant faction."¹⁹ This was said in criticism of the governing class in Ireland. It indicates that the denial of freedom to the vast majority of the inhabitants of that country was for Burke a perversion of the social order.

¹⁸ Hastings Trial, 28 May 1794, *Works*, XV, 52. Cf. *Works*, XIII, 24.

¹⁹ *Letter to Richard Burke, Jr.* [1792], *Works*, IX, 422.

Burke's ideal of ordered liberty had two terms, order and liberty, both of which must exist for the ideal to be realized. If either order or liberty disappeared, the ideal perished with it. But of the two terms, it was order which was primary, and liberty which was secondary and functional. That seems to be the reason why, in his letter to the Archbishop of Nisibi, Burke expressed his hatred of tyranny in terms of his love, not of liberty, but of order. He said:

I have ever hated Tyranny under all the forms it may assume, and there is none which it cannot take. It is equally odious to me whether it be Regal or ecclesiastical, or Millitary or Judicial or popular. But this does not I flatter myself arise from any Mutinous Spirit. My Abhorrence to the perversion of authority arises from my Zealous attachment to it whilst it continues in its proper course. I love order so far as I am able to understand it, for the universe is order.²⁰

Tyranny is here seen as the perversion of authority. Authority "in its proper course," however, is worthy of love because order, which it subserves, deserves love. And order is lovable ultimately because the universe itself is an ordered whole. Here is the link between Burke's metaphysic and his social philosophy; and here is revealed the profoundly rational cast of his thought.

For order is the work of reason. That is why Burke, who described both the French Revolution and Hastings' government in India as attacks on the social order, also described them as attempts to set arbitrary will above reason and law. It is reason which produces the order in society and establishes it by law. Reason is opposed by arbitrary will, which destroys order and negates law, and can issue in either anarchy or tyranny, or in both successively. Arbitrary government, Burke said, was the resort of superficial minds who lacked "nerves of understanding" for their difficult task. "With them defects in wisdom are to be supplied by the

²⁰ 14 Dec. 1791, *Dublin Review*, CCH (1938), 140.

plentitude of force."²¹ This opposition between wisdom and force was seen upon analysis to be the opposition between reason, acting through law, and naked will imposing itself by violence.²²

The basic issue of politics was not, therefore, whether society should be ruled by the will of the few or of the many. "Neither the few nor the many," said Burke, "have a right to act merely by their will, in any matter connected with duty, trust, engagement, or obligation."²³ Even the power of the people was a force "which to be legitimate must be according to that eternal immutable law, in which will and reason are the same."²⁴

For Burke, then, the problem of political authority could not be posed in terms simply of will. His radical opponents, as will be seen, did pose the problem in those terms. The question for them was, whose will shall prevail? The answer obviously was the will of the people. But for Burke authority was a natural necessity of the social order,²⁵ which in turn was founded on the moral order. The exercise of authority, to be sure, was an act of the will, but of the *rational* will. Authority was not justified by its being the will of the conqueror, or of the hereditary monarch, or of the ruling class, or of the majority of the people. What made the use of authority moral and right was rather its conformity to reason—to human reason, and ultimately to the Divine Reason as expressed in the natural moral law. Order is the work of reason, and so the will which produces and conserves order must be a rational will. The problem therefore is not, whose will shall prevail? The problem rather is to confer authority on those endowed with enough "active virtue and wisdom"²⁶ to make reason prevail and thus to realize that

²¹ *Reflections* (1790), *Works*, V, 302.

²² *Works*, XIII, 165, 169.

²³ *Appeal from the New to the Old Whigs* (1791), *Works*, VI, 201.

²⁴ *Reflections* (1790), *Works*, V, 180.

²⁵ *Ibid.*, 258-259; *Speeches*, I, 110.

²⁶ *Reflections* (1790), *Works*, V, 180.

lawful social order in which alone liberty together with justice, peace, prosperity, and all other blessings can exist.

The Actual Order of Society

We must now return to the notion, so dear to Burke, of an actual and existing order of society as the framework and bulwark of men's rights and liberties. Critics have accused him of developing this theory as a rationalization of the property structure of his day and an idealization of the land-owning Whig oligarchy whose "servant philosopher" he was.²⁷ That Burke devoted his talents to the defense of property and aristocracy is quite true, as we are about to show in some detail, and it would be foolish to pretend that he was free of class prejudice and self-interest. Yet it is also possible, while recognizing Burke's very real partisanship, to see his social theory as the affirmation of values which he honestly believed to be contained in the social, economic, and political system in which he lived. *ADOLPHUS FOR BURKE*

Attention has also been drawn more than once to his failure to perceive that the social order he revered was passing even as he praised it. Professor Cobban says, for instance, "As a school of statesmanship, Burke's constitutional theory remains of permanent value; as a working system it was dead almost before it was expounded."²⁸ Cobban's remarks seem to be substantially true; but a theory which expounds a dying system and nevertheless remains of permanent value, must be something more than a rationalization of the system. Burke's ideas on the social order, closely bound up though they are with the particular features of an historical structure, still transcend the merely historical and attain the level of that which endures because it is universal.

What then were Burke's ideas on the social order? We find them fully developed only in his writings of the French

²⁷ The phrase is used by J. H. Plumb, *England in the Eighteenth Century* (London, 1950), 187.

²⁸ *Burke and the Revolt against the Eighteenth Century*, 71.

Revolutionary period, for it was only then that he was obliged to think deeply on matters which he had hitherto taken for granted. Yet Burke's writings in this period only develop, and do not fundamentally change, the convictions which he had had all along.

In his first major publication on the French Revolution, the *Reflections* (1790), Burke states the thesis that social inequality is natural and necessary. It is, he says, an inequality "which the order of civil life establishes as much for the benefit of those whom it must leave in an humble state, as those whom it is able to exalt to a condition more splendid, but not more happy."²⁹ A gradation of ranks and classes is demanded and justified by the common welfare of society, and does not exist for the sole benefit of those whom it places in positions of eminence and power.

But it is necessary that some class of men occupy positions of power. "In all societies, consisting of various descriptions of citizens, some description must be uppermost." The question is, which description? Burke says that he does not wish to confine "power, authority, and distinction" to "blood, and names and titles." On the contrary, "There is no qualification for government but virtue and wisdom, actual or presumptive. Wherever they are actually found, they have, in whatever state, condition, profession, or trade, the passport of Heaven to human place and power." Burke, it may be said, stands for *la carrière ouverte aux talents*—but with reservations. "Every thing ought to be open; but not indifferently to every man." There must be no leveling, no system of rotation by which everyone eventually comes to exercise some portion of authority, not even a presumption that every class of society is equally suited to furnish the wielders of power. To allow associations of workingmen to rule the state is a usurpation on the prerogative of nature. "Such descriptions of men ought not to suffer oppression from the state;

²⁹ *Works*, V, 85.

but the state suffers oppression, if such as they, either individually or collectively, are permitted to rule. In this you think you are combating prejudice, but you are at war with nature." As the Book of Ecclesiasticus puts it, "How can he get wisdom that holdeth the plough, and that glorieth in the goad; that driveth oxen; and is occupied in their labours; and whose talk is of bullocks?"³⁰

Consequently, while men of ability should be able to rise from any class, "the road to eminence and power, from obscure condition, ought not to be made too easy, nor a thing too much of course." Ability should have to prove itself by overcoming difficulties. Furthermore, since property is a "sluggish, inert and timid" principle in society, it must be overrepresented in the seats of power, in order to protect it from the invasions of that "active and vigorous" principle, ability.³¹ Nor is that all. "Some decent regulated pre-eminence, some preference (not exclusive appropriation) given to birth, is neither unnatural, nor unjust, nor impolitic."³² Burke's ideal social structure, open to the advancement of men of genuine ability, but favoring men of birth and wealth, is a fairly faithful image of the society in which he actually lived and in which he felt so much at home.

Burke developed the theme of social inequality in the *Appeal from the New to the Old Whigs* (1791). Civil society, he there said, necessarily generates a class of men who are properly qualified to rule. In a lengthy passage which it is unnecessary to quote here, he described the education and formation of such men—it was in fact a description of the training received by the English upper classes—and concluded, "These are the circumstances of men, that form what I should call a *natural* aristocracy, without which there

³⁰ *Ibid.*, 104-106. The quotation from Ecclesiasticus is in Burke's text.

³¹ *Ibid.*, 107. Burke in fact thought that the property-owning class should be the dominant class in the state. *Works*, V, 110; VI, 58; VII, 140-141; VIII, 190, 400; *Corr.*, IV, 142; *Speeches*, IV, 140, 166.

³² *Reflections* (1790), *Works*, V, 109. Cf. *Speeches*, IV, 34.

is no nation." Nature, in other words, ordained that men with their qualifications should be "the leading, guiding, and governing part" of society. Egalitarianism, which would deny the presumption in favor of rule by this class, was a crime, not so much against them as against society. "To give therefore no more importance, in the social order, to such descriptions of men, than that of so many units, is a horrible usurpation."³³

In this "natural" and idealized aristocracy Burke saw the saving principle of society. "I am an Aristocrate in Principle," he wrote to a wealthy nobleman. "In situation, God knows nothing less."³⁴ He was, that is to say, a defender of "that aristocratic principle, without which every dominion must become a mere despotism of the prince, or the brutal tyranny of a ferocious and atheistic populace."³⁵ Aristocracy was for Burke a necessary element in society, and where it did not exist, he thought it ought to be created.³⁶

Burke's conception of the role of the aristocracy was well expressed in an encomium of the Whig party as he had known it before his break with Charles James Fox. The party had been reproached by "the malevolent and unthinking," he said, "as an aristocratic party." And such indeed it was, "in the true sense of the word." It was a party, he continued, "in its composition, and in its principles, connected with the solid, permanent, long-possessed property of the country; a party which, by a temper derived from that species of property, and affording a security to it, was attached to the ancient tried usages of the kingdom; a party, therefore, essentially constructed upon a ground-plot of stability and independence; a party, therefore, equally removed from

³³ *Works*, VI, 217-218.

³⁴ Burke to the Duke of Devonshire, 11 March 1795, Fitzwilliam MSS (Sheffield).

³⁵ Burke to Richard Burke, Jr., 29 July 1792, *Corr.*, III, 475. Cf. *Works*, VIII, 67.

³⁶ *Letter to Sir Hercules Langrishe* (1792), *Works*, VI, 304.

servile court compliances, and from popular levity, presumption, and precipitation.”³⁷

From the foregoing it appears that in Burke's view the position of pre-eminence accorded to hereditary wealth and rank was justified by the services which these rendered to society. He knew that in defending the aristocracy he fought for “an order of things, which, like the sun of heaven, shines alike on the useful and the worthless,” an order in fact which showered far greater rewards on a Duke of Bedford than on an Edmund Burke.³⁸ He felt, nonetheless, that gentle birth and entailed estates normally insured the sort of breeding and education which fitted men to govern the state for the good of society. But more than that, the possession of that kind of property bred in a whole class of men a temper which was the surest guarantee of a free, just, and stable social order. Behind Burke's defense of the aristocracy there thus lay the conception of society as a structured arrangement of various classes and corporate bodies, within which the rights and liberties of all were defined and safeguarded. He defended the aristocracy because he regarded it as the main bulwark of this order.

In like manner he was devoted to the cause of monarchy for the sake of “those principles of property, order, and regularity, for which alone any rational man can wish monarchy to exist.”³⁹ “*Je suis Royaliste, mais Royaliste raisonné*,” he wrote to a French correspondent. He was no fanatic for kings, he went on to say, but measured his attachment to them by the functions they performed—to defend the people against the great, and the great against the people; to keep all things in their accustomed order and proper place; to preserve in all things a due balance and equal justice.⁴⁰ These functions were the duties of kings, who existed for the

³⁷ Burke to Waddell, 31 Jan. 1792, *Corr.*, III, 388. Cf. *Corr.*, I, 381.

³⁸ *Letter to a Noble Lord* (1796), *Works*, VIII, 48.

³⁹ Burke to Richard Burke, Jr., 26 Sept. 1791, *Corr.*, III, 347.

⁴⁰ Burke to Sandouville, [after 13 Oct. 1792], Fitzwilliam MSS (Lampont).

sake of the established social order, and not it for them. As Burke said of the unfortunate Louis XVI of France, a king "cannot, even by his freest consent, destroy his throne, his nobility, his church, his tribunals, his corporations, his orders, and the general tenure of property among his subjects."⁴¹ It was for the sake of these things that he was a king.

But kings, like other men, found their duties irksome. Burke's son wrote of "the natural jealousy all princes have of intermediate orders,—nobility, clergy, parliament, and all such establishments, from which they have been used in ordinary times to find obstruction to their will."⁴² Burke himself was likewise aware of this natural jealousy of princes and so insisted, as has been said, that a restoration of the French monarchy must entail a restoration of the intermediate orders of the French state. In the program which he suggested for the *émigré* French princes at Coblenz, he made it plain that he envisaged a restored and purified social order as the necessary basis of a free constitution. Thus he wrote to his son:

They [the princes] ought to promise distinctly and without ambiguity, that they mean, when the monarchy, as the essential basis, shall be restored, to secure with it a free constitution; and that for this purpose they will cause, at a meeting of the states [the States General], freely chosen, according to the ancient legal order, to vote by order, all *Lettres de Cachet*, and other means of arbitrary imprisonment, to be abolished. That all taxation shall be by the said states, conjointly with the king. That responsibility shall be established, and the public revenue put out of the power of abuse and malversation; a canonical synod of the Gallican church to reform all abuses; and (as unfortunately the king has lost all reputation) they should pledge themselves, with their lives and fortunes, to support, along with their king, those conditions and that wise order, which can alone

⁴¹ Burke to Richard Burke, Jr., 16 Aug. 1791, *Corr.*, III, 276.

⁴² Richard Burke Jr. to William Burke, 17 Aug. 1792, *Corr.*, III, 498.

support a free and vigorous government. Without such a declaration, or to that effect, they can hope no converts. For my part, for one, though I make no doubt of preferring the ancient course, or almost any other, to this vile chimera, and sick man's dream of government, yet I could not actively, or with a good heart and clear conscience, go to the re-establishment of a monarchical despotism in the place of this system of anarchy.⁴³

The intermediate orders of the state, and especially the aristocracy, were the bulwark of society against royal despotism and mob rule. But the lower orders also needed protection. Free citizens, Burke said, "in order to secure their freedom . . . must enjoy some determinate portion of power," which might serve as a check to aristocratic arrogance.⁴⁴ He was particularly conscious of the abuses of oligarchy in Ireland, where the Anglo-Irish governing class had proscribed the body of the community from representation on religious grounds and had become a graft-ridden clique. The government of Ireland, he said, was "a job in its constitution," nor was it possible that "a scheme of polity which, in total exclusion of the body of the community, confines . . . to a certain set of favoured citizens the rights, which formerly belonged to the whole," should not encourage in officials the same self-seeking dishonesty on which the whole constitution was founded.⁴⁵ Holding these views, Burke surely agreed with his friend, Earl Fitzwilliam, when the latter wrote to him saying, "Happy the country where there is such an alloy of democracy, as brings the overbearing inclination of the great to a fellow-feeling with the low."⁴⁶

It is plain, then, that Burke's ideal social order was not a monolith, but a mixed and tempered structure, in which

⁴³ 26 Sept. 1791, *Corr.*, III, 348-349. Three years later, however, Burke spoke much more favorably of "that happy despotism under which he once saw [France] flourish." In the Commons, 11 April 1794, *Speeches*, IV, 164.

⁴⁴ *Reflections* (1790), *Works*, V, 177. Cf. *Speeches*, I, 248; II, 279.

⁴⁵ *Letter to Richard Burke, Jr.* [1792], *Works*, IX, 421. Cf. *Windham Corr.*, 137.

⁴⁶ 5 Dec. 1796, *Corr.*, IV, 375. Burke's reply indicates his substantial agreement with Fitzwilliam. 7 Dec. 1796, Fitzwilliam MSS (Sheffield).

the several classes of the community checked and restrained each other. A "classification" of the citizens, he said, "if properly ordered, is good in all forms of government; and composes a strong barrier against the excesses of despotism, as well as it is the necessary means of giving effect and permanence to a republick."⁴⁷ Society was an order in diversity, and men's rights and liberties depended on maintaining that order in a strong and stable condition.

The social order, then, when it functioned as it ought, answered the needs of human nature as "a savage and incoherent mode of life" never could. Yet in itself it was an artifact produced by men in history, and was built on "convenience" rather than on abstract truth. The rights and liberties which contributed to a free and rational life were not concessions wrung from the guardians of this order, but were parts of it and dependent on it for their existence. To disrupt this order in the name of abstract "natural rights" was therefore in Burke's eyes a crime against society and against humanity itself.

But the sustaining principle of order was authority. As Burke saw it, the attack on the social order took the form of a false claim of natural right against the idea of inherited and prescriptive authority. The issue between Burke and the partisans of the natural-rights school was joined therefore on the question of the legitimacy of political authority.

⁴⁷ *Reflections* (1790), *Works*, V, 333.

Chapter Five

LEGITIMACY: THE TITLE TO AUTHORITY

BURKE's writings are shot through with denunciations of "natural rights" as a basis of political argument. But, although he usually spoke of "natural rights" in the plural, Burke was principally concerned with one asserted natural right and the political claim or demand founded upon it. The right was the right of every individual to govern himself, either directly or through his representative. The claim was that no government was legitimate which did not derive its authority from the consent of the individual as such. Burke expounded the argument himself in his *Speech on the Reform of the Representation of the Commons in Parliament*, in which he said:

They, who plead an absolute right [to representation in Parliament], cannot be satisfied with any thing short of personal representation, because all natural rights must be the rights of individuals; as by *nature* there is no such thing as politic or corporate personality; all these ideas are mere fictions of law, they are creatures of voluntary institution; men as men are individuals, and nothing else. They, therefore, who reject the principle of natural and personal representation, are essentially and eternally at variance with those who claim it. . . . It is ridiculous to talk to them of the British constitution upon any or upon all of its bases; for they lay it down, that every man ought to govern himself, and that where he cannot go himself he must send his representative; that all other government is usurpation, and is so far from having a claim to our obedience, it is not only our

right, but our duty, to resist it. Nine tenths of the reformers argue thus, that is, on the natural right.¹

The problem, therefore, in reference to which Burke's attack on "natural rights" must be understood, is the problem of the legitimacy of government. That is to say, it is the question of the foundation of government's "claim to our obedience" and its title to authority.² In the light of this problem we shall first consider "natural rights" as understood by Burke and his opponents, and then Burke's counter-theory of prescription in government.

"Natural Rights" as Title to Authority

For the political thinkers most representative of Burke's age, the point of departure of political thought was the inherent right of the individual to govern himself, and the genesis of political authority was explained as the cession by the individual of all or part of that right to a sovereign, which might be one man or many. This cession was made through the social contract or compact. In order to begin with the completely independent individual, governed by no human will but his own, a prepolitical state of nature was conceived, and became a commonplace of political theory from the second half of the seventeenth century onwards. The contractual and purely conventional origin of civil society was a corollary of the inherent independence and equality of men in this state of nature. The questions of the origin of the state and the legitimacy of its authority were thus practically identified. The state originated in a contract to which all the governed were parties, and its authority was legitimate because it was derived from the wills of the contracting parties.

From this starting-point it was possible to arrive at widely different conclusions about the right form of the social contract and the kind of government which should be established

¹ In the Commons, 7 May 1782, *Speeches*, III, 45, and *Works*, X, 94-95.

by it. But the theory was probably brought to its most logical conclusion in the democratic absolutism of Rousseau. Earlier social-contract theorists had generally held that men sacrificed only part of their natural liberty on entering civil society, and retained the rest. But the part they sacrificed was genuinely alienated and, under any form of government except democracy, constituted a transfer of sovereignty to the government. But because sovereignty was transferred, it was delegated and could be limited. Under certain conditions of abuse of power, sovereignty could even be taken back by the people. Rousseau drew the radical conclusion that sovereignty was absolute and derived from a total alienation by the individual of himself to the community. But Rousseau further denied that sovereignty was alienable by the community. It could reside only in the community as a whole and must be exercised in the form of universal laws affecting every citizen in the same way: so that man in society, through his participation in the formation of the general will, could be said to obey only himself and to be as free as he was in the state of nature.

Burke's criticisms were most directly aimed at the British adherents of the "natural rights" school who were his contemporaries. Less radical than Rousseau, they held that representative government was legitimate, and devoted their efforts to obtaining an extension of the parliamentary franchise. But, as Burke said in the passage quoted above, they began according to the custom of the time from the inherent and natural right of every man to govern himself and drew the conclusion that the only legitimate government was one in which each individual participated, directly or through his representative. The nature of their argument strongly influenced Burke's reaction to it. He felt that he was not only criticizing an unwise proposal for reform, but defending his country against a revolutionary ideology.

The persons who were the objects of Burke's criticism are not easily identified by name, it may be remarked. His correspondence reveals amazingly little about his reading, and in his published writings, while he occasionally mentions representatives of the point of view which he is attacking, they are seldom referred to in such terms that one can be sure that Burke had read them: he may have known them only by general reputation. Nor did he carefully distinguish subschools of thought among those whom he regarded as the enemy. He read widely and was inclined to seize upon the general tendency of a multitude of publications of different sorts, and to make that the object of his attack. Burke was also inclined to assimilate all adherents of a general point of view to the more extreme element among them. Thus, during the French Revolution, anyone who criticized the existing order in the name of "the rights of man" was a Jacobin to Burke, and all parliamentary reformers were assumed to be in agreement with the republican principles of Tom Paine. But this is not really a cause for surprise. Burke was not a scholar, but a practising statesman, and neither by profession nor by temperament was he inclined to make distinctions among ideas all of which he regarded as dangerous to society anyhow.

There were at least forty-eight pamphlet replies to Burke's *Reflections on the Revolution in France* (1790) by writers belonging to the "natural-rights" school of thought. They may be taken as fairly representative of Burke's ideological opponents during the French revolutionary crisis. But since their writings have been competently summarized by Peter Stanlis in his *Edmund Burke and the Natural Law*,² it is not necessary to discuss them here. It will be sufficient to examine briefly the political ideas of three prominent British contemporaries of Burke's, who cover rather well the whole range of thought within the "natural-rights" school. These

² Pp. 140-159.

men were Priestley, Price, and Paine. Price and Paine were explicitly adversaries of Burke's. The *Reflections* opens with a lengthy attack on Price, and Paine forced himself on Burke as an opponent by writing the most popular answer to the *Reflections*. Priestley also wrote an answer, which Burke ignored, and which I shall also ignore in favor of Priestley's earlier and more systematic exposition of his political beliefs.

Joseph Priestley, the famous Unitarian clergyman and scientist, published his *Essay on the First Principles of Government* in London in 1768. Priestley combines with the natural-rights ideology a large measure of utilitarianism and so arrives at conclusions considerably less radical than those which so alarmed Burke in the French Revolutionary era. He begins, however, with the assumption of men living as isolated individuals and, because of the disadvantages of this state, joining to form a community. This requires that they voluntarily resign some part of their natural liberty and submit their conduct to the direction of the community. If the community is sufficiently small, it can be governed as a direct democracy. But if the people are too numerous for that, they must lodge the whole power of the community in the hands of their deputies, whose sentiments must be understood to be those of the whole body.³

Priestley is aware that no society on earth was ever formed in the manner just described. But, he says, "the method I have described must be allowed to be the only equitable and fair method of forming a society. And since every man retains, and can never be deprived of his natural right (founded on a regard to the general good) of relieving himself from all oppression, that is, from every thing that has been imposed upon him without his own consent; this can be the only true and proper foundation of all the governments sub-

³ Pp. 9-12.

sisting in the world, and that to which the people who compose them have an unalienable right to bring them back."⁴

But here Priestley's utilitarianism enters to modify his conclusions. The distribution of political power is to be determined, not by the *a priori* consideration of natural right, but by what experience has shown in each nation to be most conducive to the public welfare. He is therefore willing to admit the appropriateness of opening the highest offices of the state only to persons of "considerable fortune," and of attaching property qualifications to the franchise, so that the poorest classes could vote only for the lowest offices.⁵ The form of government, indeed, is not important, provided that the citizens are secure in their enjoyment of civil liberty and the more important of their natural rights, "for the sake of which, we voluntarily give up others of less consequence to us."⁶ The good of the majority of the members of the state is the ultimate rule of political right.⁷ "And as all arguments *a priori* in matters of policy are apt to be fallacious, fact and experience seem to be our only safe guide."⁸ With these words Priestley dissociates himself from revolutionary extremism.

A more doctrinaire note is struck by the Dissenter, Dr. Richard Price, in his *Observations on the Nature of Civil Liberty*.⁹ He begins with a discussion of physical, moral, religious, and civil liberty, and concludes that the common element of each is self-government, which is the doing of one's own will. "In all these cases," he says, "there is a force which stands opposed to the agent's *own* will; and which, as far as it operates, produces *Servitude*." The line is thus drawn between freedom and slavery. "As far as, in any instance, the operation of any cause comes in to restrain the power of Self-government, so far Slavery is intro-

⁴ *Ibid.*, 16.

⁵ *Ibid.*, 49-50, 82.

⁶ *Ibid.*, 105. Cf. 60-61, 71-73.

⁷ *Ibid.*, 19-23.

⁸ *Ibid.*, 17, 105.

⁹ London, 3rd ed., 1776.

duced.”¹⁰ The fundamental problem of politics, that of the right or just form of government, is thus stated at the outset in terms of will.

Civil liberty, says Price, exists most perfectly only in small states, where every member can give his vote in person and is eligible to public offices. In larger states, where this is not possible, there are “methods by which such near approaches may be made to perfect Liberty as shall answer all the purposes of government, and at the same time secure every right of human nature.” All the members of the state, that is to say, may give their votes on public measures through representatives. Thus the state will still be free or self-governed, in proportion as its members are more or less fairly and adequately represented. Liberty will exist in its highest degree if the representatives are elected by the unbiased choice of a majority of the citizens, hold their offices for short terms, and are subject to the instructions of their constituents. But when the representative system is what it was in England in Price’s day, liberty exists in name only.¹¹

Of civil liberty as Price describes it, “it is impossible that there should be an excess. Government is an institution for the benefit of the people governed, which they have power to model as they please; and to say, that they can have too much of this power, is to say, that there ought to be a power in the state superior to that which gives it being, and from which all jurisdiction in it is derived.”¹² It is put yet more strongly on a later page: “A government is, or ought to be, nothing but an institution for collecting and for carrying into execution the will of the people.”¹³ In these principles the full-blown doctrine of popular sovereignty would seem logically to be implicit.

Price, many years later, aroused Burke’s wrath and occasioned the *Reflections on the Revolution in France* when

¹⁰ *Ibid.*, 2-6. Cf. 11, 17.

¹² *Ibid.*, 12.

¹¹ *Ibid.*, 7-11.

¹³ *Ibid.*, 87.

he applied his principles to the British constitution in his *Discourse on the Love of Our Country*.¹⁴ "Civil governors," he said, "are properly the servants of the public; and a King is no more than the first servant of the public, created by it, maintained by it, and responsible to it; and all the homage paid him, is due to him on no other account than his relation to the public."¹⁵ George III was a lawful king, but almost the only one in the world, because he was the only one who owed his crown to the choice of his people.¹⁶ It was clearly implied that as the people had chosen George III, so they might depose him. In eulogizing the Revolution of 1688, Price stated as the principles on which the Revolution was founded, the following:

First; The right to liberty of conscience in religious matters.

Secondly; The right to resist power when abused. And

Thirdly; The right to chuse our own governors; to cashier them for misconduct; and to frame a government for ourselves.¹⁷

Finally, he returned to the question of representation and told his hearers, "You should remember that a representation in the legislature of a kingdom is the *basis* of constitutional liberty in it, and of all legitimate government; and that without it a government is nothing but an usurpation."¹⁸ Nonetheless, he did not say that the government of England was a usurpation. The country was blessed with an excellent constitution—excellent, however, "chiefly in form and theory"¹⁹—on which could be grafted any improvements necessary "to correct abuses and to give perfect liberty."²⁰ But Dr. Price left no doubt that perfect liberty was yet to be acquired.

¹⁴ London, 1789.

¹⁵ *Ibid.*, 25.

¹⁶ *Ibid.*, 39.

²⁰ *Ibid.*, 47 n.

¹⁵ *Ibid.*, 23.

¹⁷ *Ibid.*, 34.

¹⁹ *Loc. cit.*

Tom Paine's *The Rights of Man*²¹ was called by Hazlitt "the only really powerful reply" to Burke's *Reflections*.²² Paine's reply is devoted largely to a refutation of Burke's doctrine of prescription in government and to the assertion of the complete right of every generation to frame a government for itself. His starting-point is the rights with which God endowed man as man at the original creation.²³ These rights furnish Paine with the fundamental principles of his political creed, and from them he draws conclusions yet more radical than those drawn by Priestley or Price.

All just societies, he says, originate in a compact which individuals, "each in his own sovereign and personal right," enter into with each other to produce a government: "and this is the only mode in which Governments have a right to arise, and the only principle on which they have a right to exist."²⁴ Hence the election of representatives is an inherent right in the people,²⁵ and no government can be called free which is not founded on the principles enunciated in the French *Declaration of the Rights of Man*.²⁶ Among those principles the most essential is that of popular sovereignty. "Sovereignty," Paine says, "as a matter of right, appertains to the Nation only, and not to any individual; and a Nation has at all times an inherent, indefeasible right to abolish any form of Government it finds inconvenient, and to establish such as accords with its interest, disposition, and happiness."²⁷ Paine's doctrine of sovereignty is thus in effect the assertion of the perpetual supremacy of a national will composed of originally sovereign individual wills.

It follows that the hereditary succession of a royal family is despotism.²⁸ Indeed, "All hereditary Government is in

²¹ In two parts, London, 1791 and 1792. All references are to the one-volume Everyman's Library edition (London, 1906, reprinted 1954), in which the pagination is continuous through the two parts.

²² Quoted by G. J. Holyoake in the Introduction, *ibid.*, ix.

²³ *Ibid.*, 40-42.

²⁴ *Ibid.*, 47.

²⁵ *Ibid.*, 69.

²⁶ *Ibid.*, 98-99.

²⁷ *Ibid.*, 134.

²⁸ *Ibid.*, 109 ff.

its nature tyranny."²⁹ This was as much as to deny that George III was, or could be, a lawful king. As for the English Constitution, it did not exist: there was no document, defining the structure and powers of the government, which could be produced and quoted, article by article.³⁰ But in a country where a real constitution had been adopted, the problem of government became essentially simple. It might be supposed, for instance, that America was a difficult country to govern because of the diversity of its inhabitants. But not so: "by the simple operation of constructing Government on the principles of society and the rights of man, every difficulty retires, and all the parts are brought into cordial unison."³¹ Paine's political theory thus assumes a natural order of society, which is easily accessible to reason, and which, when realized, prevents the major problems of government from arising.

The same optimistic rationalism appears throughout the works of all three men, Priestley, Price, and Paine, and in its strongly individualistic tone contrasts sharply with Burke's reverence for "the collected reason of ages."³² Priestley, as is well known, believed in a doctrine of the inevitable progress of mankind, the moving principle of which was the development of the individual mind.³³ The more matters left to individual judgment, and the fewer fixed by law, the greater the opportunity for progress, he felt.³⁴ Political and civil liberty was good because it gave a man "a constant feeling of his own power and importance; and is the foundation of his indulging a free, bold, and manly turn of thinking, unrestrained by the most distant idea of control."³⁵ For reason and authority were mutually hostile. "It is universally understood," Priestley said, "that REASON and AUTHORITY are

²⁹ *Ibid.*, 167.

³⁰ *Ibid.*, 48.

³¹ *Ibid.*, 161.

³² *Reflections* (1790), *Works*, V, 182.

³³ *First Principles of Government*, 1-8.

³⁴ *Ibid.*, 53.

³⁵ *Ibid.*, 56.

two things, and that they have generally been opposed to one another."³⁶

For Dr. Price there was an absolute opposition between religious liberty and private judgment on the one side, and human authority in religion on the other.³⁷ Both in religion and politics, he had a profound faith that liberty was the necessary consequence of enlightenment.³⁸ He thus saw himself standing on the threshold of a new era in which the knowledge of rights would lead to freedom, and in which the dominion of kings would be exchanged for that of laws, the rule of priests for that of reason and conscience.³⁹ Paine too shared this faith: for him most of the miseries of the world were the result of a plot by priests and kings to keep the rest of mankind in darkness and ignorance.⁴⁰ The remedy, of course, was enlightenment, for men "are always ripe to understand their true interest, provided it be presented clearly to their understanding."⁴¹ On political subjects, "men have but to think and they will neither act wrong nor be misled."⁴² The issue, then, was between light and darkness. "Reason and Ignorance, the opposite to each other, influence the great bulk of mankind . . . Reason obeys itself; and Ignorance submits to whatever is dictated to it."⁴³ Paine's words were well chosen. The essence of the philosophy of which he was but one in a long line of spokesmen was the identification of rationalism with individualism, and one could hardly express it better than in his own phrase, "Reason obeys itself."

The explosive force of this philosophy in the political order lay in its inference of the doctrine of popular sovereignty

³⁶ *Ibid.*, 172.

³⁷ *Observations on the Nature of Civil Liberty*, 4, 25.

³⁸ *Discourse on the Love of our Country*, 12-15.

³⁹ *Ibid.*, 49-51.

⁴⁰ *Rights of Man*, 4-5, 73, 163, 180-181, 209-211. These citations are not exhaustive; that governments have always been consciously evil and obscurantist is a theme that appears over and over again.

⁴¹ *Ibid.*, 141.

⁴² *Ibid.*, 149.

⁴³ *Ibid.*, 130.

from the natural right of the individual to govern himself. The original right of self-government in the state of nature determined the character of the social compact and the structure of government, and furnished a standard by which almost every government in Europe was found illegitimate and tyrannical. That was the revolutionary argument which Burke had to answer.

It was a handicap to Burke that he had to answer this argument while accepting its *idées maîtresses*, the state of nature and the original rights of man. Both had been ex-cogitated to serve a political theory different from his own. Burke rejected the identification of the natural with the primitive which is implicit in the idea of a state of original nature. He could just as well have repudiated the state of nature itself, and abandoned original rights without thereby abandoning natural rights. Natural rights can be conceived of as following upon human nature in whatever state it may exist, and do not necessarily depend upon the hypothesis of a presocial or prepolitical state of nature. This conception of natural rights seems to be implicit in Burke's notion of society as the natural state of man. Yet in fact he never denied the state of nature or original rights, and was content to say that they were irrelevant to a discussion of the rights of man in civil society.

Several students of Burke have said that his final position was that natural rights are abolished by society and are replaced by civil and purely conventional rights. Leslie Stephen looked upon Burke's appeals to the "natural rights of mankind" as "transient deviations into the quasi-metaphysical language,"⁴⁴ and C. E. Vaughan considered them "rather a controversial device than an expression of the author's deliberate and reasoned judgment."⁴⁵ In his first study of Burke, John Morley assumed that Burke favored an alto-

⁴⁴ *History of English Thought in the Eighteenth Century*, II, 226.

⁴⁵ *Studies in the History of Political Philosophy* (2 vols.; Manchester, 1925), II, 54.

gether utilitarian standard of right,⁴⁶ and Lord Acton apparently agreed entirely with Morley's interpretation, although for him it was only a reason for disliking Burke.⁴⁷ Sir Ernest Barker is of the opinion that having initially affirmed natural rights, by 1790 Burke had come to believe that there were "no such things as natural rights."⁴⁸ Alfred Cobban in one place seems to agree with this opinion.⁴⁹ But in another place he states what seems a sounder interpretation of Burke's position, when he says that "political thought is concerned not with an imaginary natural man, but with man as modified by and finding expression in societies"; and adds that Burke never denied that "taken with this qualification, our common humanity, the nature we share one with another, has a claim or natural right."⁵⁰

Burke's attack on "natural rights" should therefore not be understood as a repudiation of the idea that human nature gives rise to certain rights which must be respected. The object of his attack was the notion that social and, in particular, political questions could be decided by an appeal to the original rights which men had enjoyed, in the abstract and without qualification, in a state of nature. It was the abstract and absolute quality of original rights which Burke found offensive, and the point of his criticism was that it was precisely this quality which rights lost when men entered society. It would have been easier for him, as I have said, if he had been able to deny that the state of nature was either an historical fact or a valid logical postulate. Then he would not have had to explain how the abstract original rights of "natural" man became the qualified and largely conventional rights of "civil" man. But even when faced

⁴⁶ *Burke: A Historical Study*, 143-152.

⁴⁷ *Essays on Freedom and Power*, ed. Gertrude Himmelfarb (Boston, 1948), Introduction, xxxvii.

⁴⁸ *Essays on Government*, 228.

⁴⁹ *Burke and the Revolt against the Eighteenth Century*, 46.

⁵⁰ *Ibid.*, 175-176.

with this problem, Burke did not deny that man in civil society enjoyed natural rights.

His position is revealed by a short but significant statement in the *Report on the Lords' Journals* (1794), which was written only three years before his death: "Now, although property itself is not, yet almost every thing concerning property, and all its modifications, is of artificial contrivance."⁵¹ Property is a natural, not an artificial, right. Yet if this natural right is to be exercised in an organized society, conventional rules must be drawn up to define what constitutes the ownership of property, what are the limits of its lawful use, how it is to be transferred or passed on by inheritance, how disputes about it are to be settled, who are the competent authorities for settling them, etc., etc. Property, then, was for Burke a natural right existing in, and only capable of existing in, a conventional framework. Now it is the function of the state of nature to assert natural rights simply as natural rights, in the abstract and without the conventional framework. // But for Burke property or any other right in the state of nature was practically meaningless, for that was a state in which rights could have no effective social existence.

Burke therefore wanted to hear as little as possible about original rights in the state of nature. "Whether they were paramount to, or inferior to social rights, he neither knew nor cared. Man he found in society, and that man he looked at—he knew nothing of any other man—nor could he argue on any of his rights."⁵² Society, he went so far as to say on one occasion, "annihilated all those natural rights, and drew to its mass all the component parts of which those rights were made up." The context of this statement makes it plain that it refers to "abstract principles" of "natural" and "original" right.⁵³ Moreover, less than two weeks later

⁵¹ *Works*, XIV, 397.

⁵² In the Commons, 11 May 1792, *Speeches*, IV, 51.

⁵³ In the Commons, 2 March 1790, *Speeches*, III, 475-476.

we find Burke writing to a correspondent in Bristol in terms which show that what was "annihilated" was not so much the rights themselves as their absolute quality. The Dissenters, Burke wrote, would not get relief from the Test Acts so long as they continued to claim it as a matter of right. "This high claim of *Right*," he explained, "leaves with Parliament no discretionary power whatsoever concerning almost any part of *Legislation*; which is almost all of it conversant in qualifying, & limiting some *Right or other of man's original Nature*."⁵⁴ Thus Burke at once admitted original natural rights and denied their absolute quality in society.

Burke's true position in regard to natural rights in society is probably best expressed in the passage in the *Reflections* in which he says, "These metaphysick rights entering into common life, like rays of light which pierce into a dense medium, are, by the laws of nature, refracted from their straight line. Indeed in the gross and complicated mass of human passions and concerns, the primitive rights of man undergo such a variety of refractions and reflections, that it becomes absurd to talk of them as if they continued in the simplicity of their original direction."⁵⁵ The primitive or original rights of man thus persist in civil society. They do not and cannot exist there in a state of abstract isolation, however, but must be subject to qualification and modification, without for that reason ceasing to be natural and real.

The rights of men in society, therefore, are not properly the objects of the abstract and speculative sort of reasoning proper to metaphysics, but of the practical reasoning proper to morals and politics. As Burke himself said:

The rights of men are in a sort of middle, incapable of definition, but not impossible to be discerned. The rights of men in governments are their advantages; and these are often in balances

⁵⁴ 14 March 1790, MS in possession of Mr. H. V. F. Somerset, Worcester College, Oxford.

⁵⁵ *Works*, V, 125.

between differences of good; in compromises sometimes between good and evil, and sometimes between evil and evil. Political reason is a computing principle; adding, subtracting, multiplying, and dividing, morally and not metaphysically or mathematically, true moral denominations.⁵⁶

The rights of men, then, are to be determined by prudential judgments. But just as prudence presupposes the principles of natural law and applies them to concrete circumstances in arriving at practical decisions, so too in the determination of rights. The natural rights of men are not denied, but presupposed. What is finally arrived at is a legal or conventional determination which is, so to speak, a particularization of natural right, just as the positive law of the state is a specification or concrete application of the natural law. This is not to deny that there are many rights which are purely legal and conventional,⁵⁷ just as there are laws which are purely positive, and whose only relation to natural law is that they are not contrary to it. But the fundamental rights of man in society are natural rights in conventional forms.

I prefer this interpretation of Burke's doctrine on natural rights to the one which holds that for him natural rights are simply replaced by conventional civil rights. My interpretation leaves within the legal and conventional structure of civil rights a core of natural right, which both determines the ends or purposes of government and sets limits to what it may do. There is, even in civil society, a basic structure of natural rights. But because they must be realized in artificial and conventional forms, it is not possible to begin with abstract natural rights and by pure reason to deduce the final form of the rights of man in society. The determination of the rights of civil and social man must be made by the method proper to practical and political reason, and the final result will be something other than the "Rights of Man"

⁵⁶ *Ibid.*, 126.

⁵⁷ *Speeches*, I, 75.

which are "founded upon plausible deductions and metaphysical abstractions—true in some parts, and equally false in others."⁵⁸

But to come to the real point at issue between Burke and his opponents, he simply denied that the original right of man to govern himself constituted a title to a share in power in society: "as to the share of power, authority, and direction which each individual ought to have in the management of the state, that I must deny to be amongst the direct original rights of man in civil society; for I have in my contemplation the civil social man, and no other."⁵⁹ He did not deny that man had had the right to govern himself in the prepolitical state of nature. But, he said, "Man cannot enjoy the rights of an uncivil and of a civil state together." By entering civil society, a person "abdicates all right to be his own governour."⁶⁰

It follows that the establishment of a constitution and form of government is a matter of expediency. "The moment you abate any thing from the full right of men, each to govern himself, and suffer any artificial positive limitation upon those rights, from that moment the whole organization of government becomes a consideration of convenience."⁶¹ But questions of "convenience," as we have seen, are questions of practical reason.

It is a profound difference between Burke and his radical opponents that they approached the problem of the right form of government by the method of speculative, deductive reason, whereas he approached it by that of practical reason. The radicals asserted an absolute natural right and drew from it a universal conclusion: "they lay it down, that every man ought to govern himself, and that where he cannot go himself he must send his representative; that all other government is usurpation, and is so far from having a

⁵⁸ In the Commons, 13 Dec. 1792, *Speeches*, IV, 76.

⁶⁰ *Reflections* (1790), *Works*, V, 121. Cf. *Works*, VI, 307.

⁶¹ *Ibid.*, 122.

⁶¹ *Ibid.*, 123.

claim to our obedience, it is not only our right, but our duty to resist it." Burke denied the absolute right to personal representation and went on to say, "If you reject personal representation, you are pushed upon expedience . . . Then what is the standard of expedience? Expedience is that which is good for the community, and good for every individual in it."⁶² The initial premise of practical reason is a good or end to be achieved, and the conclusion toward which it moves is a determination of what is expedient or appropriate as a means for achieving that end. For Burke, therefore, the question of the right form of government was a practical question and resolved itself into this: What form or forms does experience show to have made the greatest contribution to the welfare of the community? The problem of legitimacy was therefore shifted to a wholly different plane from that on which the advocates of popular sovereignty had placed it.

"Prescription" as Title to Authority

If the natural-right claim to representation were admitted, Burke said, it would prove far more than that every Englishman had a right to vote for a representative in the House of Commons. This question would also arise: What was the justification of an unelected king and of unelected lords, judges, generals, admirals, bishops, priests, ministers, and justices of the peace? There was, according to Burke, no answer but this: "our constitution is a prescriptive constitution; it is a constitution whose sole authority is, that it has existed time out of mind."⁶³

Government's title to authority is therefore "prescription." The term is taken from the law of real property where, Burke says, it is the "original and soundest" title.⁶⁴ It is "that grand title which supersedes every other title, and which all my studies of general jurisprudence have taught

⁶² In the Commons, 7 May 1782, *Speeches*, III, 49, and *Works*, X, 100.

⁶³ *Ibid.*, 46 and 96.

⁶⁴ *Letter to Richard Burke, Jr.* [1792], *Works*, IX, 449.

me to consider as one principal cause of the formation of states;—I mean the ascertaining and securing of *prescription*.” In the same passage it appears that prescription as a title to property means ancient and unquestioned possession, and that the validity of this title is one of “the first principles of law and natural justice.”⁶⁵ Or, as Burke said in another place, “the doctrine of prescription . . . is a part of the law of nature.”⁶⁶ Prescription thus is another of the links between the natural moral order and the conventional social order.

“Prescription,” Burke said, “is the most solid of all titles, not only to property, but, which is to secure that property, to government.”⁶⁷ In government as in property, ancient and unquestioned possession was a true and valid title. As Burke explained during the American War:

When I first came into a publick trust, I found your parliament in possession of an unlimited legislative power over the colonies. I could not open the statute book, without seeing the actual exercise of it, more or less, in all cases whatsoever. This possession passed with me for a title. It does so in all human affairs. No man examines into the defects of his title to his paternal estate, or to his established government.⁶⁸

And therefore, as Burke also said, “There is a sacred veil to be drawn over the beginnings of all governments.” That they were illegitimate in their beginnings does not mean that they are illegitimate now, and so “prudence and discretion” make it necessary to throw a “drapery” over their origins.⁶⁹

Prescription does not mean, however, that every ancient political institution must be maintained merely because it is ancient. Burke more than once ridiculed those who defended governmental abuses on the ground that they were

⁶⁵ Burke to Mercer, 20 Feb. 1790, *Corr.*, III, 145.

⁶⁶ *Reflections* (1790), *Works*, V, 276. Cf. *Corr.*, IV, 81; *Speeches*, I, 114.

⁶⁷ In the Commons, 7 May 1782, *Speeches*, III, 46, and *Works*, X, 96.

⁶⁸ *Letter to the Sheriffs of Bristol* (1777), *Works*, III, 177.

⁶⁹ Hastings Trial, 16 Feb. 1788, *Works*, XIII, 95. Cf. *Works*, V, 298.

old and hence untouchable abuses. When the ministers of the Crown alleged prescription as a bar to an administrative reform, Burke commented: "How weak an argument prescription is in this case, they do not seem to feel; for, where interest is concerned, what will not men think an argument? *Stare super vias antiquas* is their political creed. What then! is this maxim to preclude every improvement, however obvious and necessary, in the constitution?"⁷⁰ The long-continued existence of a political evil was not in Burke's eyes a compelling reason for its preservation. As he said on a later occasion, "there is a time when men will not suffer bad things because their ancestors have suffered worse. There is a time, when the hoary head of inveterate abuse will neither draw reverence, nor obtain protection."⁷¹

Yet the same Burke also said, "Those who pull down important ancient establishments, who wantonly destroy modes of administration, and public institutions, under which a country has prospered, are the most mischievous, and therefore the wickedest of men."⁷² The operative phrase here, of course, was "institutions under which a country has prospered." Burke's norm for judging "ancient establishments" was not their mere age, but rather the results they produced. "Old establishments are tried by their effects. If the people are happy, united, wealthy, and powerful, we presume the rest. We conclude that to be good from whence good is derived."⁷³ Burke had no respect for the old merely as old, but an enormous, perhaps an exaggerated, respect for the old which had proved itself and was known by its fruits.

For Burke then, prescription was not an argument seeking to prove that whatever had lasted a long time must be preserved forever. Nor did prescription prove that what had been done often was necessarily right. "*Precedents*,"

⁷⁰ In the Commons, 2 Dec. 1772, *Speeches*, I, 140.

⁷¹ *Speech on Economical Reform* (1780), *Works*, III, 246. Cf. *ibid.*, 264, 278; *Speeches*, II, 2.

⁷² Hastings Trial, 3 June 1794, *Works*, XV, 197.

⁷³ *Reflections* (1790), *Works*, V, 310.

Burke said, "merely as such cannot make Law—because then the very frequency of Crimes would become an argument of innocence."⁷⁴ Prescription was an answer to the question of legitimacy. What it established was a government's title to authority, its "claim to our obedience," and its right to rule. Burke's argument was that, as the ancient and unquestioned possession of property constituted a title of ownership, so too the ancient and unquestioned exercise of authority constituted a title and proved the government's right to rule. It did not prove the unchangeableness of the institutions of government.

Burke's theory of prescription must be seen as a reply to opponents whom he understood to hold that the sovereignty, whether exercised by one or many, did not only originate *from* the people (a position not denied, nor worth denying or assenting to) but that, in the people the same sovereignty constantly and unalienably resides; that the people may lawfully depose kings, not only for misconduct, but without any misconduct at all; that they may set up any new fashion of government for themselves, or continue without any government at their pleasure; that the people are essentially their own rule, and their will the measure of their conduct; that the tenure of magistracy is not a proper subject of contract; because magistrates have duties, but no rights; and that if a contract *de facto* is made with them in one age, allowing it binds at all, it only binds those who are immediately concerned in it, but does not pass to posterity.

These doctrines, he said, "tend in my opinion, to the utter subversion, not only of all government, in all modes, and of all stable securities to rational freedom, but of all the rules and principles of morality itself."⁷⁵ What he saw in

⁷⁴ Notes for a speech, undated, Fitzwilliam MSS (Sheffield), Burke Papers, Bundle 8i. For a statement of the conditions under which precedents become "of full authority in law," see *Speeches*, III, 513.

⁷⁵ *Appeal from the New to the Old Whigs* (1791), *Works*, VI, 147-148. Cf. *ibid.*, 200-201; *Works*, V, 169, 179; VII, 18, 58-60, 271-272.

these political doctrines was ultimately a philosophy of voluntarism, the assertion of naked human will.

To understand Burke's principle of prescription we must therefore recur to his own basically intellectualist presuppositions. The key to his theory is found in the passage of the *Reflections* (1790) in which he says, unfortunately in language so rhetorical as to be obscure, that society is indeed a contract, but that this contract becomes a "clause" in the natural moral order, and is therefore an expression of the will of God. The social contract is thus no longer subject to the arbitrary wills of men and may be broken only for a cause so great and so urgent as to constitute a true moral necessity. In Burke's own words:

Each contract of each particular state is but a clause in the great primæval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place. This law is not subject to the will of those, who by an obligation above them, and infinitely superiour, are bound to submit their will to that law. The municipal corporations of that universal kingdom are not morally at liberty at their pleasure, and on their speculations of contingent improvement, wholly to separate and tear asunder the bands of their subordinate community, and to dissolve it into an unsocial, uncivil, unconnected chaos of elementary principles. It is the first and supreme necessity only, a necessity that is not chosen, but chooses, a necessity paramount to deliberation, that admits no discussion, and demands no evidence, which alone can justify a resort to anarchy. This necessity is no exception to the rule; because this necessity itself is a part too of that moral and physical disposition of things to which man must be obedient by consent or force; but if that which is only submission to necessity should be made the object of choice, the law is broken, nature is disobeyed, and the rebellious are outlawed, cast forth, and exiled, from the world of reason, and order, and peace, and virtue, and

fruitful penitence, into the antagonist world of madness, discord, vice, confusion, and unavailing sorrow.⁷⁶

In this passage Burke restates the central and unifying principle of his thought, the idea of order, which is correlative with reason, and is the source of peace and virtue. The order of civil society, he says, is a contingent, man-made part of the natural, divinely ordained moral order. It therefore imposes moral obligations on the persons who make it up, and these obligations they are not at liberty to reject at will.

He returned to this notion in the *Appeal from the New to the Old Whigs* (1791), where he said that the fundamental relations of man to man, and of man to God, "are not matters of choice." Now these fundamental relations are the source of the binding force of all subsequent and subordinate relations, and are the reason why the latter relations also generate duties which are not voluntary. "In some cases," Burke said, "the subordinate relations are voluntary, in others they are necessary—but the duties are all compulsive." Marriage is an example of a voluntary relation. "When we marry, the choice is voluntary, but the duties are not matter of choice." The relation of children to parents is an example of a necessary or involuntary relation. "Children are not consenting to their relation, but their relation, without their actual consent, binds them to its duties; or rather it implies their consent, because the presumed consent of every rational creature is in union with the predisposed order of things."⁷⁷ It is this principle of presumed consent, derived from the relation of rational human nature to the divinely ordained moral order, which Burke applies to civil society.

For civil society is demanded by man's rational nature which cannot attain its proper development outside it. But civil society cannot exist without authority and government; these things too are therefore demanded by the rational

⁷⁶ *Works*, V, 184-185.

⁷⁷ *Works*, VI, 206-207.

nature of man, and are therefore a part of the moral order willed by the Author of human nature. Man is therefore morally obliged, in virtue of his natural rationality, to consent to authority and to submit himself to government. Since civil society and government, as they actually exist, are products of convention, it follows that man is obliged to accept the convention constituting the society in which he finds himself. The validity of that convention therefore does not depend on his choice or formal consent. Rather, his consent is presumed because it is morally obligatory.

To return to Burke's own words, "Now though civil society might be at first a voluntary act (which in many cases it undoubtedly was) its continuance is under a permanent standing covenant, co-existing with the society; and it attaches upon every individual of that society, without any formal act of his own."⁷⁸ Men are born into society and come by natural generation "into a community with the social state of their parents, endowed with all the benefits, loaded with all the duties of their situation." What is true of their social situation is true also of their political situation: "so without any stipulation on our part, are we bound by that relation called our country." For our country is not merely a geographical location. "It consists, in a great measure, in the ancient order into which we are born. . . . The place that determines our duty to our country is a social, civil relation."⁷⁹

What Burke is rejecting here is the common assumption of the political theory of his time, that the source of all authority is the wills of men. Although he by no means excludes human will from the formation of civil society, he does deny that it is the *source* of authority and returns to the older thesis that all authority is of God. For Burke, the justification of civil obedience is that in obeying man, one obeys God, and not, as appears most clearly in Rousseau, that one really obeys oneself. In Burke's political theory, the citizen is

⁷⁸ *Ibid.*, 205.

⁷⁹ *Ibid.*, 207.

bound, by a moral obligation not derived from his own will, to the social and political order into which he was born.

Burke did not mean, however, that any and every civil order is sacrosanct. The foundations of the public order of law were always for him natural equity and public utility, and he never denied that a government which acted contrary to them in a sufficiently flagrant manner lost its right to rule and could legitimately be replaced. His doctrine of prescription was intended only to refute the notion that the legitimacy of government and the authority of the constitution were dependent on the freely revocable consent of a majority of the people at any time. Each successive generation, he said, is born into a society in which it finds a constitution and a government in possession, and that possession is a prescriptive title to authority and a sufficient claim to obedience. Men are therefore not at liberty to decide whether or not they will accept the constitution to which they are born.

Burke admitted, indeed insisted, that the constitution was a convention and a compact. But, he said, "The constitution of a country being once settled upon some compact, tacit or expressed, there is no power existing of force to alter it, without the breach of the covenant, or the consent of all the parties."⁸⁰ The final reason why this was so was that the civil order was founded on and derived its authority from the moral order, and "the votes of a majority of the people, whatever their infamous flatterers may teach in order to corrupt their minds, cannot alter the moral any more than they can alter the physical essence of things."⁸¹ Prescription, as Burke said, was part of the natural law.

Where he calls prescription one of the "first principles of law and natural justice," and "a part of the law of nature," he refers to prescription in property. But because of the close analogy which he draws between prescription in proper-

⁸⁰ *Ibid.*, 201.

⁸¹ *Loc. cit.*

ty and prescription in government, and in view of his whole doctrine as explained above, it is a safe conclusion that he considered the latter kind of prescription also a principle of natural law. Now what was "prescribed" or precluded by this principle was the alleged "imprescriptible" right of men in every generation freely to choose a form of government and a set of rulers for themselves. The basic issue therefore lay between an intellectualistic conception of natural law and a voluntaristic conception of natural right.

Yet, on the other hand, Burke did not conceive of prescription as simply opposed to consent. He made a profound remark when he said that "the presumed consent of every rational creature is in union with the predisposed order of things." By this he did not mean a purely legalistic presumption of consent, but something far deeper. He meant that in virtue of his rational human nature a man is morally obliged to give the consent of his will to the natural moral order, and so to the civil order derived from it, and that for that reason his consent is legitimately presumed. Furthermore, he said that, as a matter of fact and not of moral obligation alone, the long-continued existence of a government creates a presumption that the consent of the people has actually been given to it.

Burke made this statement in his great speech of 7 May 1782 on parliamentary reform. Having said that the sole title of the constitution was that it had existed time out of mind, he went on to say that prescription

is accompanied with another ground of authority in the constitution of the human mind, presumption. It is a presumption in favour of any settled scheme of government against any untried project, that a nation has long existed and flourished under it. It is a better presumption, even of the *choice* of a nation, far better than any sudden and temporary arrangement by actual election. Because a nation is not an idea only of local extent, and individual momentary aggregation, but it is an idea of

continuity, which extends in time as well as in numbers, and in space. And this is a choice, not of one day, or one set of people, not a tumultuary and giddy choice; it is a deliberate election of ages and of generations; it is a constitution made by what is ten thousand times better than choice; it is made by the peculiar circumstances, occasions, tempers, dispositions, and moral, civil, and social habitudes of the people, which disclose themselves only in a long space of time. It is a vestment, which accommodates itself to the body. Nor is prescription of government formed upon blind, unmeaning prejudices—for man is a most unwise, and a most wise being. The individual is foolish. The multitude, for the moment, is foolish, when they act without deliberation; but the species is wise, and when time is given to it, as a species it almost always acts right.⁸²

Prescription thus appears, not as denying, but as implying consent. But this consent is not to be interpreted in terms of the ordinary eighteenth-century social compact theory. In John MacCunn's words, "If compact there be, it is a compact of a kind that is tacitly rather than explicitly, gradually rather than by any single transaction, made, as the growth of corporate life advances from generation to generation."⁸³ The consent of the governed, in other words, cannot be understood apart from their inherited opinions and prejudices.

The passage quoted above from Burke's speech on parliamentary reform also throws light on his understanding of the relation between the natural and civil orders. The civil order derives its authority and its purposes from the natural law, but its form is not prescribed by that law. The constitution is therefore not to be deduced in the abstract from an original natural right. Rather it is framed by practical reasoning to serve ends prescribed ultimately, to be sure, by human nature, but in accordance with "the peculiar circumstances, occasions, tempers, dispositions, and moral, civil, and social habitudes of the people, which disclose themselves

⁸² *Speeches*, III, 46-47, and *Works*, X, 96-97.

⁸³ *The Political Philosophy of Burke* (London, 1913), 51.

only in a long space of time." The civil order is natural in that it satisfies the needs of human nature and is therefore demanded by that nature. But in its form it is artificial, and the artifact which is civil society is not the work "of one day, or one set of people," but "of ages and of generations." The practical wisdom which goes into its making is the wisdom of the species, but of the species as it has existed in history. Consequently every feature of civil society must be understood historically as well as in the light of natural law or natural rights.

The rights of men, therefore, which the civil order embodies and supports, although as was said above, they have a core of natural right, nonetheless exist in historically conditioned and artificial forms. The same is true of civil duties. Burke therefore prefers not to derive the authority of the British state and the rights of British subjects immediately from nature. He considers them rather as an inheritance which the present generation of Britons have received from their forefathers. In his political theory, then, the principle of prescription is joined by the constitutional principle of inheritance.

The Constitutional Principle of Inheritance

Burke developed his theory of inheritance as a constitutional principle in the *Reflections on the Revolution in France* in 1790, and further elaborated its philosophical presuppositions the following year in the *Appeal from the New to the Old Whigs*. But the idea of inherited rights was not a new one to him. He had already hinted at it in his *Abridgement of English History* in 1757, where he said:

It may be further observed, that in the Preamble to the Great Charter it is stipulated that the barons shall *hold* the liberties there granted *to them and their heirs*, and from the *king and his heirs*: which shows that the doctrine of an unalienable tenure was always uppermost in their minds. Their idea even of

liberty was not (if I may use the expression) perfectly free; and they did not claim to possess their privileges upon any natural principle or independent bottom, but, just as they held their lands from the king. This is worthy of observation.⁸⁴

Burke makes no further comment in this place. But it is evident that even at this early date he favored the idea of inherited rather than purely natural rights, and was unwilling to hear of rights which were not part of the fabric of society.

In the *Reflections* Burke asserts, against Dr. Price's claim that the people have the right to choose their own governors, that the legitimacy of the British monarchy is derived, not from popular choice or election, but from lawful succession. The succession, he says, was regulated by common law prior to 1688 and by statute subsequently. But both these laws, "emanating from the common agreement and original compact of the state, *communi sponsione reipublicae*, . . . as such are equally binding upon king, and people too, as long as the terms are observed, and they continue the same body political."⁸⁵ Great Britain is governed, therefore, not in accordance with the principles of popular sovereignty, but under an hereditary monarchy. And that the kingdom be so governed is necessary, in Burke's opinion, as a safeguard for the rights of the people. "No experience has taught us," he says, "that in any other course of method than that of an *hereditary crown*, our liberties can be regularly perpetuated and pre-

⁸⁴ *Works*, X, 535. Note that the *Tracts on the Popery Laws*, in which Burke vigorously asserted natural rights and used them as a standard by which to condemn the penal laws against Catholics in Ireland, were written subsequently to this passage, in the autumn of 1761. Carl B. Cone, *Burke and the Nature of Politics* (Lexington, Ky., 1957), 31, 43. Still later, in the 1780's and 1790's, Burke's criticism of British rule in India was based on natural law and natural rights. *Works*, IV, 8; XIII, 13, 15, 155, 165-170; XV, 90, 95, 99, 105-106, 383-384. This is another reason why I do not accept the view that Burke first held natural rights but later abandoned them for purely conventional rights. A correct interpretation of his thought requires a proper combination of the two.

⁸⁵ *Reflections* (1790), *Works*, V, 58.

served sacred as our *hereditary right*.”⁸⁶ British liberties are safer if they are regarded as an inviolable inheritance than if they are asserted as the natural rights of men.

This principle runs through the whole political structure. After a review of English constitutional documents from Magna Carta to the Declaration of Right, Burke concludes that it has been the uniform policy of the constitution to regard the liberties of the people “as an *entailed inheritance* derived to us from our forefathers, and to be transmitted to our posterity; as an estate specially belonging to the people of this kingdom, without any reference whatever to any other more general or prior right.” The English therefore have “an inheritable crown; an inheritable peerage; and a house of commons and a people inheriting privileges, franchises, and liberties, from a long line of ancestors.” As far as the constitution is concerned, prescription is a sufficient title, not only to the authority of government, but to the rights of the people as well.

“This policy,” Burke continues, “appears to me to be the result of profound reflection; or rather the happy effect of following nature, which is wisdom without reflection and above it.” It is “following nature” because it is transmitting “our government and our privileges, in the same manner in which we enjoy and transmit our property and our lives.”⁸⁷ It is to be noted that this constitutional policy is said to be, not identical with nature, but only patterned upon it. Burke was well aware that the state was not a natural organism but an artificial product of human minds and wills, and said so explicitly on more than one occasion. Nor were the practical advantages which it afforded men, and which enabled them to live as truly became men, rights derived immediately from naked human nature, but rather the results of a long and complex social evolution. Those advantages, which Burke

⁸⁶ *Ibid.*, 64.

⁸⁷ *Ibid.*, 78-79.

said were the real rights of men in society,⁸⁸ would however be best preserved by "a constitutional policy working after the pattern of nature."

Human life is handed down from age to age by natural generation. The method by which property is transmitted is modeled on this natural process. As the son receives his life from his father by generation, so does he receive his life-sustaining property by inheritance; and the whole force of social opinion, custom, and law confirms and safeguards his right to do so. So also, said Burke, should men receive the other advantages of life in society, together with the authority which made continued social existence possible: that is, as an inheritance from their fathers. This was following nature and this was wisdom.

Leo Strauss therefore seems to distort the meaning of Burke's doctrine of prescription and inheritance when he interprets it, in his *Natural Right and History*, as containing the seeds of nineteenth-century historicism. In support of his interpretation he cites two passages from Burke's writings. The first is the one in which Burke says that the sole authority of the British constitution is "that it has existed time out of mind." The other passage is one just discussed in which he says that the constitution claims and asserts British liberties as "an estate specially belonging to the people of this kingdom, without any reference whatever to any other more general or prior right." Professor Strauss sees Burke in these passages as departing from the usual natural-law basis of his theory and as implying that no transcendent standard is needed by which the goodness of the British constitution may be judged. As Strauss understands Burke, "prescription by itself is a sufficient guaranty of goodness." That is to say, the standard of the constitution's excellence is not something outside of and above the constitution, but "is inherent in the process" by which the constitution was formed. Tradition,

⁸⁸ *Ibid.*, 120.

in this view, is an adequate basis for political theory without any need of recurring to natural law or natural rights. Burke's doctrine of prescription and inheritance was thus "a preparation for Hegel."⁸⁹

But what Burke says in these passages must be understood, as appears from their context, as part of his polemic against the "natural rights of man," and not as a rejection of a natural moral order transcendent to the constitution. What Burke asserts is not that the constitution is self-justifying and independent of the moral order. Rather he supposes that it is a contingent part of the moral order and for that very reason imposes an obligation that overrides the alleged right of each successive generation to scrap the existing constitution and frame a new one for itself. The "more general or prior right" which he refuses to acknowledge is, to use Priestley's words, every man's "natural right . . . of relieving himself from all oppression, that is, from every thing that has been imposed upon him without his own consent." British liberties, Burke says, are not founded on any such natural right as that. He does not, however, deny that Englishmen, like Irishmen and Indians, have natural rights. But he asserts that it is the policy of the British constitution to proclaim these rights as they exist in ancient custom and historic legal definitions, and not to look to an abstract state of nature for them. Burke does not imply that tradition is the final and self-sufficient standard of social and political judgment. But he does say that in a healthy society tradition is the mold in which the rights and duties derived from nature are formed and the vehicle by which they are passed on to men. That is really all that Burke means. Later theorists may have found the seeds of historicism in these and similar passages of his writings, but not because Burke planted them there.

⁸⁹ *Natural Right and History*, 319.

Burke was profoundly impressed with the thought that civil society was an "incorporation" of men into a social and political order whose continuous and tranquil existence was the necessary condition of the exercise of their rights and the enjoyment of their advantages. He could not therefore look with equanimity on a doctrine of "natural and imprescriptible rights" which made the existence of society dependent on the revocable consent of individual wills. Such a doctrine, to his mind, "superseded society and broke asunder all those bonds which had formed the happiness of mankind for ages."⁹⁰ It was in consequence necessary for him to find a title for the authority of government and a mode of preserving rights which should preserve society as "an idea of continuity in time as well as in numbers, and in space." He thought he found what he sought in the doctrine of prescription and the constitutional principle of inheritance.

⁹⁰ In the Commons, 2 March 1790, *Speeches*, III, 476.

Chapter Six

THE POLITICAL ORDER

BURKE emphatically rejected abstract natural rights and the doctrine of popular sovereignty derived from them. Yet there was a sense in which he always maintained a belief in natural rights as the basis of government. It was this, that he conceived of the rights of men as setting the natural ends or purposes of government. The principle that all just government is for the benefit of the governed is so much a part of Western political tradition that it is hardly necessary to do more than note that Burke held it.¹ But what did he mean by "the benefit of the governed"? It is significant that at the beginning of his career he described it in terms of the natural rights of the people, and that he continued to do so. The rise of the radical ideology made him more cautious in his later years about speaking of natural rights against government, to be sure. But even then he maintained that men had rights which it was a primary purpose of government to preserve. Political power, according to Burke, was a trust held for the good of the people subject to it. This principle underlay his conception of the political order and his aristocratic views on representative government.

Government as a Trust

At the beginning of his political career Burke wrote: "Every body is satisfied that a conservation and secure enjoy-

¹ *Works*, III, 163, 178, 309; IV, 11; V, 120-121; IX, 194, 348; XIII, 24; XV, 99; *Corr.*, IV, 275; *Speeches*, I, 61; II, 119.

ment of our natural rights is the great and ultimate purpose of civil society; and that therefore all forms whatsoever of Government are only good as they are subservient to that purpose, to which they are entirely subordinate.”² Natural rights also furnished Burke with his standard justification of the Revolution of 1688. “The people, at that time,” he said, “re-entered into their original rights; and it was not because a positive Law authorized what was then done, but because the freedom and safety of the Subject, the origin and cause of all Laws, required a proceeding paramount and superiour to them.”³

It was in regard to Indian affairs, however, that Burke most frequently made natural rights the basis of his argument. In speaking for Fox’s East India Bill in 1783, he said, “The rights of *men*, that is to say, the natural rights of mankind, are indeed sacred things; and if any publick measure is proved mischievously to affect them, the objection ought to be fatal to that measure.”⁴ It was one of his arguments against Hastings’ claim to arbitrary power that “men cannot covenant themselves out of their rights and their duties,” and so could not confer arbitrary power on a government even if they wished.⁵ Even after the outbreak of the French Revolution, with its claim that popular sovereignty was among the rights of man, Burke said, “The rights of the people are everything, as they ought to be in the true and natural order of things.” He did not mean to “trench upon sovereignty,” however. “The sovereign’s rights are undoubtedly sacred rights . . . because exercised for the benefit of the people, and in subordination to that great end for

² *Tracts on the Popery Laws* (1761), *Works*, IX, 364. The rights which it is the purpose of society to protect are described, in notes for a speech in the Commons, 6 Feb. 1772, in Lockean terms as life, liberty, and property. *Speeches*, I, 109, and *Works*, X, 16.

³ *Address to the King* (1777), *Works*, IX, 194.

⁴ *Works*, IV, 8.

⁵ Hastings Trial, 16 Feb. 1788, *Works*, XIII, 168.

which alone God has vested power in any man or set of men."⁶

The primacy of the rights of the people implies that political power is a trust which they confer upon their government for their own benefit. This does not contradict, but presupposes the statement made in the passage last quoted, that God is the source of the power vested in men. Burke explained the relationship between God and the people in the establishment of government in these terms: "The king is the representative of the people; so are the lords; so are the judges. They are all trustees for the people, as well as the commons; because no power is given for the sole sake of the holder; and although government certainly is an institution of divine authority, yet its forms, and the persons who administer it, all originate from the people."⁷ Authority then is from God; but the determination of the form of the government and of the persons who are to administer it is left to the people.

Political power therefore is delegated power. In 1791, it is true, Burke said that the origin of sovereignty from the people was something "not denied, nor worth denying or assenting to,"⁸ but that was said in a fit of impatience with the doctrine of popular sovereignty. Burke's true theory of the delegation of power is well stated in a letter written less than a year before his death, in which he said that "the lapses, which will happen to human infirmity at all times, and in the exercise of all power . . . are exceptions implied; an allowance for which is a part of the understood covenant, by which power is delegated by fallible men to other men that are not infallible."⁹ The power of government thus was delegated by the people as a normally irrevocable trust.

⁶ Hastings Trial, 30 May 1794, *Works*, XV, 99.

⁷ *Thoughts on the Cause of the Present Discontents* (1770), *Works*, II, 288.

⁸ *Appeal from the New to the Old Whigs*, *Works*, VI, 147.

⁹ Burke to Hussey, Dec. 1796, *Corr.*, IV, 394. See Appendix B for a stronger statement of the principle that all governmental power is delegated by the people.

Delegated power, however, is limited power. The limitations on power may not always be clearly defined; as Burke says, at the beginning of the history of the European nations, when military leaders were first raised to the rank of kings, "the leader neither knew the extent of the power he received, nor the people of that, which they bestowed."¹⁰ But even were a government a despotism, it would nonetheless be a government limited in its powers. As Burke explained: "Despotism, if it means any thing, that is at all defensible, means a mode of government, bound by no written rules, and coerced by no controlling magistracies, or well settled orders in the state. But if it has no written law, it neither does, nor can, cancel the primeval, indefeasible, unalterable law of nature, and of nations; and if no magistracies control its exertions, those exertions must derive their limitation and direction either from the equity and moderation of the ruler, or from downright revolt on the part of the subject by rebellion, divested of all its criminal qualities."¹¹ For Burke, then, government was limited at least by natural law and the rights of the people. In constitutional states the terms on which the people delegated their power to their government were more exactly defined by positive law and custom. But in any case, the natural purpose of government and its origin from the people imposed bounds on its power.

Holding these views, Burke had to acknowledge, and always did acknowledge, an ultimate right of subjects to rebel against an oppressive government. Within the limits set by this principle, his position could and did vary to some extent. During the American Revolution he said, "I never knew a writer on the theory of government so partial to authority, as not to allow, that the hostile mind of the rulers to their people, did fully justify a change of government."¹²

¹⁰ *Abridgement of English History* (1757), *Works*, X, 336.

¹¹ Hastings Trial, 16 Feb. 1788, *Works*, XIII, 169-170.

¹² *Letter to the Sheriffs of Bristol* (1777), *Works*, III, 163.

The French Revolution did not cause him to abandon this principle, but it made him more cautious in applying it. By 1796 he believed that "there are very few cases which will justify a revolt against the established Government of a country, let its constitution be what it will; and even though its abuses should be great and provoking."¹³

Perhaps the most balanced statement of his final position on the overthrow of governments is the one found in the *Reflections* (1790), where he says:

The speculative line of demarcation, where obedience ought to end, and resistance must begin, is faint, obscure, and not easily definable. It is not a single act, or a single event, which determines it. Governments must be abused and deranged indeed, before it can be thought of; and the prospect of the future must be as bad as the experience of the past. When things are in that lamentable condition, the nature of the disease is to indicate the remedy to those whom nature has qualified to administer in extremities this critical, ambiguous, bitter potion to a distempered state.

The natural leaders of the people, in other words, must decide whether the government is so incorrigibly bad as to necessitate, and therefore to justify, changing it by force; "but, with or without right, a revolution will be the very last resource of the thinking and the good."¹⁴

But despite the shift of emphasis in Burke's writings from the rights of the people to the rights of the sovereign after the commencement of the French Revolution, he was consistent in his attachment to the principle underlying both sets of rights. Government always remained for him a limited power delegated by the people, the holders of which power were obliged to exercise it for the people's benefit.

¹³ Burke to Keogh, 17 Nov. 1796, *French Laurence Corr.*, 281. Cf. *Works*, III, 308-309; V, 127.

¹⁴ *Works*, V, 73-74.

The Consent of the Governed

Since government is established by the people for their own good, it must in some sense depend on the consent of the people, not only in its original institution but also in its continued functioning. Burke expressed this principle in the proposition that all law derives its validity from popular assent. In the *Tracts on the Popery Laws* (1761), he said that "in all forms of Government the people is the true Legislator; and whether the immediate and instrumental cause of the Law be a single person, or many, the remote and efficient cause is the consent of the people, either actual or implied; and such consent is absolutely essential to its validity." This was not an argument for democracy, however, for Burke added, "The people, indeed, are presumed to consent to whatever the Legislature ordains for their benefit; and they are to acquiesce in it, though they do not clearly see into the propriety of the means, by which they are conducted to that desirable end. This they owe as an act of homage and just deference to a reason, which the necessity of Government has made superiour to their own." On the other hand, the consent of the people was not a meaningless phrase. It meant at least that a law to which the people plainly did not consent, because it was clearly not intended for their benefit, was no law at all, but a legally and morally invalid exercise of force: "as a Law directed against the mass of the Nation has not the nature of a reasonable institution, so neither has it the authority."¹⁵

But the consent of the people to law, as Burke conceived it, was not merely passive. He once said that "to follow, not to force the publick inclination; to give a direction, a form, a technical dress, and a specifick sanction, to the general sense of the community, is the true end of legislature."¹⁶ Where "the deliberate sense of the kingdom" on a great

¹⁵ *Works*, IX, 348-349.

¹⁶ *Letter to the Sheriffs of Bristol* (1777), *Works*, III, 180.

subject was known, Burke said that "it *must* be prevalent." While the people could be wrong in their choice of an object, he could "scarcely conceive any choice they can make to be so very mischievous as the existence of any human force capable of resisting it."¹⁷ "The people are the masters," he told his fellow-members of Parliament. "They have only to express their wants at large and in gross. We are the expert artists; we are the skilful workmen, to shape their desires into perfect form, and to fit the utensil to the use."¹⁸ The function of the legislature was thus "immediate and instrumental" and "the remote and efficient cause" of law was as always "the consent of the people."

The notion of the instrumental role of the legislature and the supremacy of the people's desires is a genuine element of Burke's theory of government and must not be omitted. But for Burke "the people" was not a collection of individuals, each originally sovereign in his own right and all equally capable of reasoning to conclusions about the general welfare of society. Rather, the people was an organized whole which realized its common good through differentiated organs performing distinct functions. The function of reasoning about the needs of society and of translating the conclusions arrived at into law, was entrusted to a legally constituted legislature, whose decisions were normally presumed to express the sense of the people and to have their consent. The legislature in turn reflected the views, not of an amorphous mass, in which each individual counted for one, but of a structured society in which only a comparatively small class was capable of generating anything worthy of the name of public opinion.

The mass of men, Burke felt, were certainly capable of knowing when they were suffering and of requiring the government to do something for their relief. The "most poor,

¹⁷ *Letter to the Chairman of the Buckinghamshire Meeting* (1780), *Works*, IX, 319-320. Cf. *Works*, II, 262; *Corr.*, II, 340.

¹⁸ *Speech on Economical Reform* (1780), *Works*, III, 344.

illiterate, and uninformed creatures upon earth," he said, "are judges of a *practical* oppression." Government should therefore listen to their cries of distress with the greatest attention. "But for the *real cause*, or the appropriate remedy, they ought never to be called into council about the one or the other."¹⁹ Why this exclusion of the popular masses from the councils of state? It was because a "cool and temperate" voice, "resulting from judgment . . . might be heard from parliament, from judges and magistrates; but from the bulk of the nation it never had been heard."²⁰ The voice of the people could tell the legislature that something was wrong, but not why it was wrong or what should be done about it. The common man knew his grievances insofar as he felt them, but no further.

Most men, in Burke's opinion, lacked political capacity. "God and nature," he said of them, "never made them to think or act without guidance and direction." That would be supplied to them "by those, who by their rank and fortune in the country, by the goodness of their characters, and their experience in their affairs, are their natural leaders."²¹ Nevertheless Burke did not feel that all the people were incapable of sound political judgment, or that they should be wholly passive in the face of their governors. While he sat in Parliament for Bristol, he wrote to a fellow-member of the Bell Club in that city concerning the relations between the government and the governed, in terms which make this clear.

"It is true," he said, "that many of our brethren [in the club], from their habits of life, and their not being on the actual scene of business, are not capable of forming an opinion upon every several question of law or politics, or, of

¹⁹ *Letter to Sir Hercules Langrishe* (1792), *Works*, VI, 346. Cf. *Works*, VII, 262-263.

²⁰ In the Commons, 12 April 1782, *Speeches*, II, 353. Cf. *Works*, II, 226.

²¹ Burke to Richmond, 26 Sept. 1775, *Corr.*, II, 72-73. Cf. *Works*, VIII, 162; *Corr.*, II, 48-49; IV, 253.

course, of determining on a man's conduct with relation to such questions. But every man in the club, and every man in the same situation in the kingdom," can judge perfectly well whether public men seek the public's interest or their own; whether their conduct, over a period of time, is consistent, and whether it was wise or foolish; and whether affairs are well or ill managed by them. Those therefore should not be listened to who tell people that such matters are above them and must be left entirely to the king's ministers. "In a free country, every man thinks he has a concern in all public matters; that he has a right to form, and a right to deliver an opinion upon them." In the exercise of this right, "vast numbers" acquire "a very tolerable knowledge" of public affairs, and it is well for Britain that they do. "Your whole importance," Burke told his correspondent, "depends on a constant, discreet use of your own reason; otherwise, you and your country sink to nothing."²²

But the people thus endowed with the capacity for political judgment were not the people as a whole. Rather they were the "natural representative of the people" and constituted what Burke called "the British publick." Near the end of his life he calculated that this class, comprising "those of adult age, not declining in life, of tolerable leisure for such discussions, and of some means of information, more or less, and who are above menial dependence (or what virtually is such,)" amounted, in England and Scotland together, to about four hundred thousand persons. Only these, "in any political view, are to be called the people," for only they were competent to form a political judgment.²³ There

²² 31 Oct. 1777, *Corr.*, II, 196-197.

²³ *First Letter on a Regicide Peace* (1796), *Works*, VIII, 140-141. Note that in the same letter Burke says that "the property of the nation is the nation." *Ibid.*, 190. It is in this latter sense that he says in another place that if some 35,000 of the landed proprietors "were taken out of this country, it would leave hardly any thing that I should call the people of England." *Remarks on the Policy of the Allies* (1793), *Works*, VII, 140-141. The landed proprietors were thus the people of England in a still narrower sense than "the British publick" because they were the owners of the soil and the natural leaders of the country.

was thus a distinction to be made between the people, taken as the whole body of the nation, and that part of them who could be called "the people" as a political agent.

Not all of the people, even in this narrower sense, had the right to vote, but only those who happened to live in county or borough constituencies whose widely varying qualifications they could meet.²⁴ As Professor MacCunn says, Burke advocated, "in undiluted form, the Whig theory of political trusteeship. A British public of 400,000 souls; within that a select electorate; within that, again, a still more select body of representatives of constituencies; and the peers to complete the representation (for he sometimes at any rate claimed that they were truly representative of the people) with the king as keystone of the arch—these were the hands into which the trust of the nation's destinies was, and ought to be, confided."²⁵ Yet the base of this political pyramid, "the British publick," even though not all of it enjoyed the franchise, was nonetheless a politically significant class. Its function was to observe and reflect, and to generate public opinion. It was this public which Burke must ordinarily have had in mind when he spoke of "public opinion" and "the sense of the people," and of whom he said that "the people are the natural controul on authority."²⁶

Supreme authority in the state, of course, was exercised by the King, Lords, and Commons. Of the three only one was truly an organ of public opinion: "legally and constitutionally . . . the sense of the people of England is to be collected from the house of commons," and "without the most weighty reasons, and in the most urgent exigencies, it is highly dangerous to suppose that the house speaks any

²⁴ The entire electorate of England and Wales was estimated unofficially in 1780 at 214,000. George Stead Veitch, *The Genesis of Parliamentary Reform* (London, 1913), 2. See *ibid.*, 4-7 for the various borough franchises.

²⁵ *Political Philosophy of Burke*, 165.

²⁶ *Appeal from the New to the Old Whigs* (1791), *Works*, VI, 204. Note that Burke immediately adds that because the people are to control authority, therefore they should not exercise it, since "to exercise and to controul together is contradictory and impossible."

thing contrary to the sense of the people, or that the representative is silent when the sense of the constituent strongly, decidedly, and upon long deliberation, speaks audibly upon any topick of moment."²⁷ The House of Commons was established to speak for the people and was therefore legally presumed to know their mind and to express their desires.

But the House in turn, since it was the representative of the people, must be willing to listen to them and to hear their opinions and wishes. "The people at large," Burke said, "have their organs through which they can speak to Parliament and to the crown by a respectful petition, and though not with absolute authority, yet with weight, they can instruct their representatives."²⁸ The House, however, was to receive the people's wishes, not as a mere channel for communicating them to the Crown, but as a constitutional organ entrusted with the duty of deliberation and judgment. The role of members of Parliament was that of "real public counselors," and not that of "canvassers at a perpetual election."²⁹ Consequently they could not be instructed by their constituents "with absolute authority."

Burke's ideal, therefore, in the political as in the social realm, was the ordered society of ranks and classes, solidly founded on prescription and cemented by long-standing opinion and prejudice. Within this society, public opinion in the political sense was the prerogative of that class which by education and occupation was capable of it. The lower and by far the larger part of the people could only feel their grievances and voice their sense of wrong. But when the people as a body, formed by history into an ordered whole and acting through their leading classes, expressed their wishes "strongly, decidedly, and upon long deliberation,"

²⁷ *Third Letter on a Regicide Peace* (1797), *Works*, VIII, 323. Cf. *Speeches*, III, 12.

²⁸ *Ibid.*, 324. Cf. *Corr.*, I, 181.

²⁹ In the Commons, 8 May 1780, *Speeches*, II, 162, and *Works*, X, 74. Cf. *Works*, III, 249.

then their "general sense" was to be taken for wisdom. Statesmen and legislators might, and ought to, resist popular whims. But when an awareness of popular need became sufficiently widespread and deeply felt to be called "the sense of the people," then the issue was decided, and the legislature's task became that of translating the popular wish into practicable public policy. On the other hand, Burke's idea of the proper relationship between a member of Parliament and his constituents makes it plain that public opinion had to be strong and deep indeed before it assumed this obligatory character for him.

The Freedom of the Representative

Although Burke sat in the House of Commons for almost thirty years, he was elected to it, in any real sense of the word, only once. During his first eight years in the Commons, he sat for the pocket borough of Wendover, and from 1780 until the end of his parliamentary career he was virtually appointed by Lord Rockingham, and later by Earl Fitzwilliam, to represent the borough of Malton in Yorkshire. But it happened in 1774 that Burke, by then a well-known parliamentary figure, was nominated for one of the two seats of Bristol, which at that time was the second city in the kingdom. He accepted the nomination and was elected, and sat for Bristol for six years until the next election. In 1780, finding the opposition in Bristol too strong, he declined the poll, and was later returned for Malton through Rockingham's influence.

Burke was thus dependent on constituents for only six years. His views on the relationship that ought to exist between the electors and their member of Parliament are found chiefly in two speeches which he made in Bristol, one at the beginning and the other at the end of this term. In the first speech, which he made immediately after his election to thank his supporters, he touched upon the subject of

instructions to representatives and delivered himself of a theory of representation which has become classic.

The wishes of constituents, said Burke, "ought to have great weight" with their representative; "their opinion high respect; their business unremitting attention." In any clash between their interest and his own, theirs must be preferred. But, Burke continued, "his unbiassed opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you; to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."³⁰

This declaration of the representative's independence of judgment was based on Burke's premise of the supremacy of reason over will. Henry Cruger, who had been elected with him, had told the electors that his will ought to be subservient to theirs. "If government were a matter of will upon any side," Burke agreed, "yours, without question, ought to be superiour." But for him it was not a matter of will: "government and legislation are matters of reason and judgment, and not of inclination." That being so, the question arose, whose reason, the representative's or that of his constituents, should be followed? Clearly, said Burke, the representative's: for "what sort of reason is that, in which the determination precedes the discussion; in which one set of men deliberate, and another decide; and where those who form the conclusion are perhaps three hundred miles distant from those who hear the arguments?" To adopt the opposite principle and concede the constituents' right to issue authoritative instructions to their representative would be

³⁰ *Speech to the Electors of Bristol*, 3 Nov. 1774, *Works*, III, 18-19.

a denial of reason and a perversion of the purpose of representation.³¹

Burke's conception of the nature and purpose of a representative body is best expressed in his own words. He said: Parliament is not a *congress* of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a *deliberative* assembly of *one* nation, with *one* interest, that of the whole; where, not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole. You chuse a member indeed; but when you have chosen him, he is not a member of Bristol, but he is a member of *parliament*. If the local constituent should have an interest, or should form an hasty opinion, evidently opposite to the real good of the rest of the community, the member for that place ought to be as far, as any other, from any endeavour to give it effect.³²

The second premise of Burke's theory of representation was, then, the primacy of the general good, which is described significantly as resulting, not from the general will, but from "the general reason of the whole." The purpose of a representative body was to engage in a collective process of practical reasoning about the measures best suited to achieve this general and primary good of the whole society. The freedom which Burke demanded for the representative was needed in order to enable him to take an unhampered part in this process.

As Bristol's member of Parliament, Burke acted according to the principles he had laid down in his speech, and did not thereby endear himself to his constituents. When he returned to Bristol in 1780 to stand for re-election, he found it necessary to defend himself against four charges. He had, it was said, neglected his constituents in that he had not visited Bristol often enough. Secondly, he had favored free-

³¹ *Ibid.*, 19-20.

³² *Ibid.*, 20.

dom of trade for Ireland, a thing resented by the Bristol merchants, who could see only rivals in the Irish traders. Moreover, he had supported a bill for relieving debtors from imprisonment; and finally, he had voted for the repeal of one of the penal laws against Catholics. All of these accusations, Burke admitted, were factually true.³³

In answer to the first complaint, he said only that he had been too busy doing his constituents' business in Westminster to have time to court them in Bristol. But in regard to the other three charges, which concerned his conduct in matters of public policy, Burke took a high ground. The positions he had taken on Irish trade and on the relief of debtors and Catholics, he now defended on the principle that the common welfare of the nation and the empire overrode narrow considerations of local and temporary interest. That principle, he frankly avowed, had forced him to disobey the instructions of his constituents in Bristol. He had done so however, he said, not out of any contempt for their opinions, but through a preference of their real interest to their transient views. "I am to look, indeed, to your opinions," he said in reference to the question of Irish trade, "but to such opinions as you and I *must* have five years hence."³⁴ This was, in substance, his answer to all the objections against his parliamentary conduct: he appealed from the people ill-advised to the people well-advised. The charges against him, he said, were "all of one kind, that I have pushed the principles of general justice and benevolence too far; further than a cautious policy would warrant; and further than the opinions of many would go along with me."³⁵ But on that ground he would take his stand and wait for the opinions of the many to come up to his.

What then did Burke allow to the constituents in relation to their representative? In order to answer "the real

³³ *Speech at Bristol previous to the Election*, 6 Sept. 1780, *Works*, III, 361 ff.

³⁴ *Ibid.*, 371.

³⁵ *Ibid.*, 425.

purposes" of an election, he was to say ten years later, "you must first possess the means of knowing the fitness of your man; and then you must retain some hold upon him by personal obligation or dependence."³⁶ That the representative must depend on the constituent in some way, Burke did not deny. As regards the representative's fitness, Burke proposed this test in his speech at Bristol: "Look, gentlemen, to the *whole tenour* of your member's conduct." Is he free of the ambition, avarice, or sloth which would make a man unsuited to your service? "If your member's conduct can bear this touch, mark it for sterling." That much the constituents might rightly demand. But "if by a fair, by an indulgent, by a gentlemanly behaviour to our representatives, we do not give confidence to their minds, and a liberal scope to their understandings; if we do not permit our member to act upon a *very* enlarged view of things; we shall at length infallibly degrade our national representation into a confused and scuffling bustle of local agency."³⁷

It would be difficult to define Burke's view more precisely than this. He could not and did not claim complete liberty of thought and action for the member of Parliament, but he did claim the widest scope of it consistent with his position as a representative. The principle on which he based this claim was the representative's primary duty to use his reason for the good of the whole national community.

But, as we have said, Burke sat during most of his parliamentary career for nomination boroughs and was dependent, not on voters, but on parliamentary patrons. His idea of representation cannot therefore be adequately comprehended without some consideration of his attitude towards his patrons.

Burke's first patron, Lord Verney, seems to have left him a completely free hand, and informed him that he would not

³⁶ *Reflections* (1790), *Works*, V, 338.

³⁷ *Works*, III, 359-360.

be renominated for Wendover only because financial straits compelled the noble lord to sell the seat at the next election. Thus faced with the necessity of finding another seat in Parliament—it was 1774, but he had not yet been invited to stand at Bristol—Burke wrote to Lord Rockingham concerning a nomination which had been offered him in Westminster on condition that he subscribe to certain political tenets. “Most assuredly,” he told Rockingham, “I will never put my feet within the doors of St. Stephen’s chapel [where the House of Commons met], without being as much my own master as hitherto I have been, and at liberty to pursue the same course.”³⁸ But Burke, it must be remembered, was a Rockingham Whig, and the course he had been pursuing was Rockingham’s course. That he neither wanted nor expected complete independence from his party leader is shown by words he wrote some years later, when he was already the member for Rockingham’s nomination borough of Malton. Lord Rockingham, he said, “never will use his interest in Malton, or any where else where he has an interest, except in favour of some person whom he knows, of whose principles he is tolerably secure, and with a view to the public service of the country.”³⁹ In short, it was taken for granted that Rockingham would appoint men who agreed with him closely enough to be members of his own party in the Commons.

When Rockingham died in 1782, Earl Fitzwilliam succeeded to his estates and parliamentary patronage, though not to the leadership of the Rockingham Whigs. Burke had been receiving a secret pension from Rockingham—Sir Philip Magnus calls it a salary for his services as the nominal manager of the party—⁴⁰ and continued to receive it from Fitzwilliam. But after his break with Fox in 1791, Burke ap-

³⁸ 25 Sept. 1774, *Corr.*, I, 481. See Cone, *Burke and the Nature of Politics*, 266.

³⁹ Burke to Champion, 7 Jan. 1781, *Corr.*, II, 401.

⁴⁰ *Edmund Burke: A Life* (London, 1939), 343.

parently wrote to Fitzwilliam to say that he could no longer accept the pension. Fitzwilliam wrote back to remonstrate, and Burke's reply is still extant.⁴¹

In this letter he assured Fitzwilliam that he was moved by no personal resentment. But since the Whig party had "publicly condemned" him,⁴² he could hardly continue to receive "large pecuniary assistance" from one of the leading figures in the party. "To be sure," he said, "the fact is known only to my own family, your Lordship and the Duke of Portland. But the operation of *honour* (as separated from *conscience* which is not as between man and man but between man and God) is to suppose the world acquainted with the transaction, and then to consider in what light the wise and virtuous would regard it. I am sure that such men would never justify my conduct."⁴³ In view of Burke's chronically desperate financial condition, this nice sense of honor must have cost him much. It also seems plain that while Burke, in common with most men of his age, thought it no disgrace for a member of Parliament to receive a salary from his party leader, he had not sacrificed his convictions or his independence of judgment.

Fitzwilliam and Burke were politically reconciled—they had never been personally estranged—in July 1794, when the Portland Whigs went into coalition with Pitt. On the death of the member of Parliament for Peterborough in Northamptonshire in 1796, Fitzwilliam, who had the appointment to that seat, wrote to Burke that he would be happy to give it to Dr. French Laurence, whom Burke had recommended. But he wished to make plain his feeling that between borough patron and member of Parliament "there should exist such a coincidence in their opinions, both with

⁴¹ It is printed in full *ibid.*, 343-349.

⁴² Burke refers to the demand for his retirement from Parliament published on 12 May 1791 in the *Morning Chronicle*, which was generally regarded as Fox's organ. *Ibid.*, 220.

⁴³ *Ibid.*, 348.

regard to things & persons, that in all human probability they will not hereafter differ when they ought to agree." He did not mean, of course, "a narrow rigid conformity of conduct through all the inferior detail of business, but only a coincidence of opinion & principle upon the great outlines of the matters under publick consideration." Fitzwilliam then stated in very broad terms his general position in regard to Britain's foreign and domestic affairs and added a declaration of political hostility to William Pitt, with whom he had now broken. If Dr. Laurence would "like to accept a seat in Parl. from a man entertaining such sentiments," he concluded, Burke was to offer it to him.⁴⁴

Burke replied that he fully agreed with Fitzwilliam that "you never ought to recommend a Member for any place in which you have an influence who will not take your general Line, both as to persons & things—& mark a decided attachment to yourself—& this, not from honour & gratitude only, but from a strong opinion, of the Wisdom of your Views, & the rectitude of your principles." But he pleaded with Fitzwilliam not to carry opposition to Pitt to the extent of helping Charles James Fox into power. The possibility of having to enter Fox's party would, he thought, be the only drawback which Dr. Laurence might imagine on Fitzwilliam's generous offer.⁴⁵

Burke wrote to French Laurence the same day, saying, "Most of the principles laid down in that letter are such as we hold in common, as firmly as our incomparable friend maintains them."⁴⁶ French Laurence thereupon accepted the offer, and in announcing his election to a friend, added, "Believe me, I would not have accepted the offer of that nomination, however flattering, if I had not conscientiously agreed with his Lordship in all the general principles of his political conduct."⁴⁷ Even when a large allowance has been made

⁴⁴ Fitzwilliam to Burke, 30 Aug. 1796, Fitzwilliam MSS (Sheffield).

⁴⁵ Burke to Fitzwilliam, 2 Sept. 1796, Fitzwilliam MSS (Sheffield).

⁴⁶ *French Laurence Corr.*, 59.

⁴⁷ 30 Nov. 1796, *ibid.*, 285.

for the formal phraseology of the eighteenth century and the nobility of sentiment which it was thought necessary to express, it seems evident that the relationship between borough patron and member of Parliament, as conceived by Burke, Earl Fitzwilliam, and French Laurence, was not a servitude but a free and honorable association.

The relationship also squares well with Burke's famous definition of a political party. "Party," he said in 1770, "is a body of men united, for promoting by their joint endeavours the national interest, upon some particular principle in which they are all agreed."⁴⁸ This body of men was not the mass political party of today, but a parliamentary group led, or at least supported, by wealthy aristocrats whose influence could assure less affluent members of seats in the Commons. As conceived by Burke and his friends, the "coincidence in opinions" demanded among them was not a bought subordination of one mind to another, but a free agreement among the members of the group. There was an element of personal loyalty in the relationship but in principle the loyalty was not to a person alone, but to a political idea.⁴⁹

Therein lay the difference between the representative's loyalty to his parliamentary patron and his loyalty to his constituents, which was a devotion to their interests rather than to their opinions. In Burke's case at least, the patron was a party leader who also was present on the public scene in the political center of the nation and with whom the representative had to act if he were to act effectively at all. A coincidence in opinions with him was both more necessary and more easily justified than obedience to constituents, provided it did not compel the representative to speak and act in a manner contrary to his political conscience. Among honorable men, who had freely entered into their political

⁴⁸ *Thoughts on the Cause of the Present Discontents*, Works, II, 335.

⁴⁹ *Ibid.*, 338-340.

association with previous knowledge of each other's views, such crises of conscience ought not normally to arise. When they did arise, honorable men would break off the relationship. But in relation to his constituents, the representative was the leader rather than the led. Elevated above the narrow opinions and petty passions of the local scene, he was to act on wide views and copious information for the national welfare. If he owed his constituents his unbiased judgment, they owed him freedom to form it and act upon it. "This they owe," in Burke's words, "as an act of homage and just deference to a reason, which the necessity of Government has made superiour to their own." This superior reason was the practical reason of public men, whom native ability, good education, and wide experience had qualified for the delicate task of applying sound principles to the intricate and ever-changing circumstances affecting the public and common good.

So far we have discussed Burke's theory of the relations between the representative and the people on the assumption that the people were directly represented, that is, that they chose the representative by their votes. In fact, however, in Burke's day the vast majority of the British people were not directly represented. That fact gave rise to one of the great reform movements of British history, which had its origins in Burke's lifetime, the movement for parliamentary reform. A consideration of Burke's position on this issue will throw further light on his conception of representation, as well as introduce us to the subjects of conservation and reform in general.

Parliamentary Reform

The parliamentary reform movement of the late eighteenth and early nineteenth centuries was in substance a demand for redistribution of the seats in the House of Commons and for an equalization of the qualifications for the

franchise. Under the unreformed representative system, with some few exceptions, those boroughs which were represented returned two members each, and each county returned two members for its extra-burghal areas. The cause of grievance was that the representation of boroughs and counties had not been changed in any significant respect for centuries in order to reflect shifts in the population. New towns and even flourishing cities were entirely unrepresented, while almost uninhabited decayed towns (the "rotten boroughs") still returned two members. Many of the small boroughs had become nomination boroughs under the influence of the Crown or of great families; and the electorate in some of the populous boroughs was corrupt and easily bought. Universal suffrage obtained nowhere, but the qualifications for the franchise varied widely, from boroughs controlled by close corporations to others which demanded only a minimum degree of economic independence. It was a highly anomalous system, which George Stead Veitch, the historian of the parliamentary reform movement, called "the product, not of plan or principle, but of growth, of custom, even of caprice."⁵⁰ This was the system which the parliamentary reformers wished to change by making the distribution of seats and the qualifications for the franchise more equitable.

The movement for reform began to organize itself in the 1770's. The nearest approach to success which the movement enjoyed in Burke's lifetime was the defeat of Pitt's reform bill on 18 April 1785, by a majority of seventy-four in the House of Commons.⁵¹ The representative system remained in fact unaltered until 1832, and as Veitch says, "for a time it became unalterable when that universal dread of organic change which came with the French Revolution foiled the first generation of parliamentary reformers."⁵²

⁵⁰ *Genesis of Parliamentary Reform*, 2.

⁵¹ *Ibid.*, 102.

⁵² *Ibid.*, 1.

What did this first generation of reformers want? An address issued by the London Corresponding Society in August 1792 may be taken as fairly typical of the reform program. The Society demanded "annually elected Parliaments, unbiassed and unbought Elections, and an equal Representation of the Whole Body of the People."⁵³ The ideological basis offered for this program was usually "natural rights." As we have seen, according to Burke, "Nine tenths of the reformers argue thus, that is, on the natural right."⁵⁴ Veitch on the other hand says that "the English reformers . . . never paid much attention to abstract theory." He adds, however, that "as individuals their interest in politics had, as a rule, been stimulated either by the revolution in America or by the Revolution in France, and in both cases the revolutionists were inspired by the doctrine of the rights of man."⁵⁵ In company with most historians, Veitch is inclined to regard the reformers as men seeking obviously needed and, on the whole, moderate changes in terms of an abstract and doctrinaire ideology.

But, as Annie Marion Osborn has remarked, Burke combined a keen awareness of the significance of intellectual movements with an emotional reaction to them which not infrequently deprived him of a reputation for practical good judgment.⁵⁶ He had many reasons for opposing parliamentary reform, not all of them by any means reasons of pure principle. Moreover, he was opposed to any change in the representation even when it was not proposed on the basis of natural rights.⁵⁷ Yet it seems evident that among his deepest and strongest motives for opposing parliamentary reform was its identification with the doctrine of the rights of man and the sovereignty of the people. To his mind, the

⁵³ *Ibid.*, 218.

⁵⁴ In the Commons, 7 May 1782, *Speeches*, III, 45 and *Works*, X, 95.

⁵⁵ *Op. cit.*, 347.

⁵⁶ *Rousseau and Burke* (London, 1940), 125-126.

⁵⁷ In the Commons, 7 May 1782, *Speeches*, III, 44-49 and *Works*, X, 93-100.

doctrine was so wrong and its implications so disastrously far-reaching that there could be no compromise with it.

It is instructive in this respect to compare Burke's unqualified opposition to parliamentary reform in Great Britain with his support of the extension of the franchise to the Catholics in Ireland. The Catholics, he said,

ask a share in the privilege of election; not as a matter of speculative right, not upon general principles of liberty, or as a conclusion from any given premises, either of natural or even of constitutional right. They ask it as a protection, and a requisite security which they now have not, for the exercise of legal right. They ask it from a practical sense of the evils they feel by being excluded from it. It is necessary for the free enjoyment of their industry and property, to secure a fair dispensation of justice, both criminal and civil; and to secure them that just estimation and importance, without which, in human tribunals, they cannot obtain it.⁵⁸

Burke, then, was willing to consider changes in the representation, but only in response to "real" and not to "speculative" grievances. Show that your exclusion from the franchise prevented or hampered the enjoyment of your undoubted rights to property and to justice, and he would grant that you had a sound practical claim to the franchise. But you might not argue deductively to the right of franchise from an a priori premise of natural or even of constitutional right, for Burke would not admit that the structure of the constitution ought to be determined by such considerations.

He did not consider exclusion from the franchise to be per se a real grievance, because, in addition to actual representation, he recognized what was called virtual representation. "Virtual representation," he said, "is that in which there is a communion of interests, and a sympathy in feelings and desires between those who act in the name of any description of people, and the people in whose name they

⁵⁸ "On the State of Ireland" (1792), *Corr.*, IV, 67. Cf. *Speeches*, IV, 80.

act, though the trustees are not actually chosen by them." What difference did it make that most Englishmen could not vote and that the House of Commons was controlled by great landlords, if the smallest farmer felt that his interests were on the whole the same as his landlord's? He had virtual representation even if not actual. "Such representation I think to be," Burke said, "in many cases, even better than the actual . . . The people may err in their choice; but common interest and common sentiment are rarely mistaken."⁵⁹

Where virtual representation existed, according to Burke, it sufficed. "If men have the real benefit of a *sympathetic* representation, none but those, who are heated and intoxicated with theory, will look for any other [sort of representation]."⁶⁰ But virtual representation could not exist without "a substratum in the actual. The members must have some relation to the constituent." Because of the mutuality of interest binding the English people together, they were adequately represented, even though their representatives were chosen by an electorate which was in effect a random sample from among them. In Ireland, however, it was not so. "As things stand," Burke said of that country, "the catholick, as a catholick and belonging to a description, has no *virtual* relation to the representative, but the *contrary*."⁶¹ Since the franchise in Ireland was confined to a hostile denomination, the Irish Catholics, in his opinion, were suffering a real injustice. The only remedy was to admit a representative and properly qualified portion of them to the franchise.⁶²

⁵⁹ *Letter to Sir Hercules Langrishe* (1792), *Works*, VI, 360.

⁶⁰ *Letter on the Affairs of Ireland* (1797), *Works*, IX, 455.

⁶¹ *Letter to Sir Hercules Langrishe* (1792), *Works*, VI, 360-361.

⁶² *Works*, VI, 279, 312, 315; IX, 407, 416. Burke wanted a property qualification for the admission of Irish Catholics to the franchise, but not too high a qualification because that "would leave the common people who are the heart & strength of the cause of the Catholics, & are the great Objects in all popular representation, completely in the lurch." Burke to Richard Burke Jr., 29 Feb. 1792, Fitzwilliam MSS (Sheffield).

Virtual representation, rooted in a community of interests, was the essential form of representation, but it could not exist without some foundation in actual representation. Catholics could not be virtually represented in the Irish House of Commons until members sat in that House who were chosen by the votes of a representative portion of the Catholics. The Americans, while they were part of the empire, could not be virtually represented at Westminster because they were too far away to be considered a part of the national community of Great Britain.⁶³ The Americans, like the Irish, must be admitted "into an interest in the constitution," but in their case this would be done by acknowledging that they could not be represented in the British Parliament, either actually or virtually, and so must be allowed to tax themselves in their own legislatures for all ordinary purposes.⁶⁴ But all the parts of the kingdom of Great Britain could be considered as virtually represented in Parliament because the actual representation, limited though it was, was sufficiently diffused through the national community to represent the interests of all the parts.

According to Burke's principle, then, the right to vote was subordinate to, and was granted for the sake of, the right of the people to have their interests represented and their real rights safeguarded. The extension of the franchise, consequently, was a practical, not a theoretical, problem. "The bounds of these matters are nice, and hard to be settled in theory," Burke admitted,⁶⁵ but that concerned him very little, for in his opinion it was a matter for prudential judgment. "Between the extreme of a *total exclusion* . . . and an *universal unmodified capacity*, to which the fanatics pretend, there are many different degrees and stages, and a great variety of temperaments, upon which prudence

⁶³ In the Commons, 2 Feb. 1775, *Speeches*, I, 262.

⁶⁴ *Speech on Conciliation with the Colonies* (1775), *Works*, III, 76, 91-92.

⁶⁵ *Letter on the Penal Laws* (1782), *Works*, VI, 279.

may give full scope to its exertions."⁶⁶ As in all practical political reasoning, the determining consideration was the end to be achieved, not an abstract right to be realized.

In the course of his political career Burke froze into a position of unyielding opposition to parliamentary reform. In 1774 he had referred to the defective state of the representation of the people in Parliament as "the shameful parts of our constitution . . . our weakness . . . our opprobrium . . . and the slough of slavery, which we are not able to work off."⁶⁷ But in his speech of 7 May 1782 on parliamentary reform, he asked, "what advantage do you find, that the places, which abound in representation, possess over others, in which it is more scanty, in security for freedom, in security for justice, or in any one of those means of procuring temporal prosperity and eternal happiness, the ends for which society was formed?" Cornwall and Wiltshire, which were heavily represented, had no better roads, canals, prisons, or police than Yorkshire, which was underrepresented, or than Birmingham, which was not represented at all. "You have an equal representation," Burke said, "because you have men equally interested in the prosperity of the whole, who are involved in the general interest and the general sympathy."⁶⁸ It may well be that in saying this Burke overemphasized the notion that "parliament is a *deliberative* assembly of *one* nation, with *one* interest, that of the whole." That would explain why he failed to see the importance of representing each locality as such. At any rate, that the unreformed House of Commons was quite able to represent the whole British people was Burke's true position. As he put it in 1790, "our representation has been found perfectly adequate to all the purposes for which a representation of the

⁶⁶ *Letter to Sir Hercules Langrishe* (1792), *Works*, VI, 308.

⁶⁷ *Speech on American Taxation*, *Works*, II, 434-435.

⁶⁸ *Speeches*, III, 50 and *Works*, X, 101-102. Cf. *Works*, V, 336-337.

people can be desired or devised,"⁶⁹ and from this conviction he never departed.

It must be appreciated that for Burke any change in the representation was a change in the constitution, on any alteration of which he was unwilling to embark. "Our constitution," he said, "stands on a nice equipoise, with steep precipices and deep waters upon all sides of it. In removing it from a dangerous leaning towards one side, there may be a risk of oversetting it on the other."⁷⁰ On constitutional questions therefore, and especially on parliamentary reform, Burke was a stand-pat conservative. "Would to God," he exclaimed in 1780, "it were in our power to keep things *where they are* in point of *form*, provided we were able to improve them in point of *substance*. The *machine itself* is well enough to answer any good purpose, provided the *materials* were sound."⁷¹ The passing years brought no change in this attitude, save that after 1790 parliamentary reform, so far as Burke was concerned, ceased to be a subject of discussion. Where once he had pleaded, he now denounced.

So Burke defended the representative system as it stood. Nomination boroughs were acceptable because they provided for "the operation of property in elections," and linked the Crown and the Lords with the mass of the people in one organic constitution.⁷² The small number of electors in proportion to the general population was perfectly adequate to all the purposes of representation. In fact, in 1769 Burke had said that rather than add to the number it would be better to have fewer electors and thus add to their "weight

⁶⁹ *Reflections*, Works, V, 116. Cf. *Speeches*, III, 44; IV, 122-123.

⁷⁰ *Thoughts on the Cause of the Present Discontents* (1770), Works, II 323. Cf. Works, II, 136-137; IX, 316-322.

⁷¹ Burke to Harford, 27 Sept. 1780, *Corr.*, II, 383.

⁷² *Observations on the Conduct of the Minority* (1793), Works, VII, 275. Sir Lewis Namier says that in fact it was through the rotten and corrupt boroughs that most of the intelligent and competent men entered the service of the state and new classes found a road to a share in power. *England in the Age of the American Revolution* (London, 1930), 4-6.

and independency.”⁷³ The truth was that Burke saw the reform movement as a threat to that aristocratic dominance of English political life in which he sincerely believed. He had a profound mistrust of democratic government and doubted whether parliamentary reform, once started, could stop short of it. Could the reformers be sure, he asked, “that when they have once raised a strong spirit of reformation and innovation amongst the people, they will have the power to guide their opinions, and prevent excesses, when the ideas of the people may probably carry them to an ungovernable length, upon a subject of which they understand so little?”⁷⁴ Burke himself plainly thought not.

Since parliamentary reform, when it was achieved, did not stop until at last in the present century it issued in complete formal democracy, Burke’s fear of its consequences may not be brushed aside as a mere crotchet. Nor have we yet seen the end of the process whose beginnings he so vehemently condemned. As a British historian has recently said, “The mere fact of organizing a mass political electorate has produced everywhere a line of development which—though we cannot say what particular forms it will take in any particular case—is clearly leading away from a liberal social and political structure, to one which (in broad terms) may be called ‘managerial’ or ‘technocratic.’”⁷⁵

Meanwhile, Burke said of his own day that the people did not want parliamentary reform. Agitators were trying to make them want it, but “the people had no such idea in their heads.”⁷⁶ Nor was Burke alone in saying this. The standard answer to the indictment of the representative system was Burke’s answer: the system worked, and the nation

⁷³ *Observations on The State of the Nation*, Works II, 135. Cf. *Speeches*, II, 164-166.

⁷⁴ In the Commons, 30 April 1792, *Speeches*, IV, 45-46. Cf. *Works*, VII, 278; VIII, 13.

⁷⁵ Geoffrey Barraclough, *History in a Changing World* (Norman, Okla., 1956), 212.

⁷⁶ In the Commons, 30 April 1792, *Speeches*, IV, 45.

as a whole silently consented to it. The last clause, according to Philip Anthony Brown, was unanswerably true. "No critic," he says, "could pretend that the unrepresented chafed under their exclusion."⁷⁷ By the time of the war with Revolutionary France, silent consent had been enflamed into passionate attachment. "Many men," as Veitch puts it, "felt that they might forfeit their last hope of dying peacefully in their beds if one sacrilegious finger were laid upon the rottenest of the rotten boroughs." Perhaps no one was more responsible for this state of mind than Burke, but it was a popular state of mind. "The country, in truth," says Veitch, "was against reform."⁷⁸

Strangely enough, Burke's extreme reluctance to change the existing forms of government was due in part to a conviction that forms were not very important. Any form of government, he felt, could be operated successfully by the right sort of men, and no form was proof against the wrong sort.⁷⁹ Bolstered by this conviction, Burke had little patience with proposals to better government by changing its constitutional forms. For him the problem was get the sort of men into office who could administer the constitution properly. The only adjustment of the governmental structure which he would consider was administrative reform of the kind which he advocated in his *Speech on Economical Reform* (1780). The purpose of this kind of reform was to eliminate as far as possible the sources of corruption, and thus to facilitate the attainment of power by the wise and the good. It also aimed at achieving the highest degree of justice and efficiency in administration; but not at changing the constitution. That, Burke insisted, must remain unchanged in all essentials.

Why was Burke so rigid in this insistence? Several reasons have already been mentioned: his rejection of the ide-

⁷⁷ *French Revolution in English History*, 8.

⁷⁸ *Genesis of Parliamentary Reform*, 333.

⁷⁹ *Works*, II, 260; IX, 65; X, 218; *Corr.*, II, 194; III, 115.

ology connected with the parliamentary reform movement, his own doctrine of virtual representation, his reluctance to embark upon constitutional changes, and his belief that improving the quality of the administration of the constitution was a sounder reform than changing its forms. These reasons are not without weight. But when everything has been said that can be said in explanation of Burke's attitude, it is still difficult to acquit him of what Professor MacCunn calls "political valetudinarianism."⁸⁰ If Burke's words are to be taken at face value, the British constitution was an incredibly delicate organism which could not survive a surgical operation, however skillfully performed. Burke's fear of the consequences of constitutional change verged upon morbidity and cannot be taken with full seriousness.

It is difficult, too, not to agree with Lecky when he says that it "is quite possible to recognize the full justice of the general principles laid down by Burke without accepting the consequences he drew from them. It is true that representation is not a matter of speculation but a matter of expediency, but it is also true that the English representative system had become so corrupt and so imperfect, that as a matter of the merest expediency its reform was imperatively demanded."⁸¹ Burke's conception of political reason leaves full room for Lecky's criticism. Because of the element of contingency in practical affairs, political conclusions rarely follow with demonstrable necessity from their premises. As Lecky says, it is quite possible to agree with Burke's general principles of representation without accepting the consequences he drew from them as regards parliamentary reform. There seems to be no reason why one could not completely accept Burke's view of the nature and purpose of representation and yet hold that adjustments of the representation to changes in the population are from time to

⁸⁰ *Political Philosophy of Burke*, 74.

⁸¹ William E. H. Lecky, *A History of England in the Eighteenth Century* (8 vols.; New York, 1887-1890), III, 237.

time desirable and advisable. A recognition of the need for such adjustments would seem, indeed, to be implicit in his practical conception of the nature of political reasoning. The question arises, therefore, whether Burke was wholly true to all of his own principles in his opposition to parliamentary reform. But this question leads to a consideration of his general principles of conservation and reform.

Chapter Seven

THE PROCESS OF SOCIAL CHANGE

77. || IN PRESENTING Burke's philosophy of reform, it is well at the outset to state a distinction which was commonly made in his day and which he frequently made himself—the distinction between innovation and reform. *Reform* was an honorable word, which Burke was proud to use in describing his own career. In his first public attack on the French Revolution, he insisted that "he was no enemy to reformation. Almost every business in which he was much concerned, from the first day he sat in that house [the Commons] to that hour, was a business of reformation; and when he had not been employed in correcting, he had been employed in resisting abuses."¹ But *innovation* was always used in a pejorative sense. Charles James Fox, for example, is reported as saying that "improvements were not to be confounded with innovations; the meaning of which was always odious, and conveyed an idea of alterations for the worse."² Burke himself warned a friend against admitting "visionary politicians" into the Whig party because of the alarm they gave to "many sober and well-meaning people." "You know," he said, "how many are startled with the idea of innovation."³ In such a climate of opinion, no politician would admit that he favored "innovation," but naturally he would be a strong supporter of "improvement" and "reformation." Yet for Burke the

¹ *Speech on the Army Estimates* (1790), *Works*, V, 12.

² In the Commons, 29 April 1792, *Speeches*, IV, 42.

³ Burke to Harford, 27 Sept. 1780, *Corr.*, II, 383. Cf. *Works*, VIII, 19-22.

distinction was not merely nominal. As will presently appear, to him innovation meant revolutionary or radical change, to which was opposed the sound and healthy kind of social change which he called reform.

Burke accepted the necessity of renovation and renewal of society as a general principle. In one of his earliest publications, the *Abridgement of English History* (1757), he said that on contemplating the collapse of the Roman Empire, "we are in a manner compelled to acknowledge the hand of God in those immense revolutions, by which, at certain periods, he so signally asserts his supreme dominion, and brings about that great system of change, which is, perhaps, as necessary to the moral as it is found to be in the natural world."⁴ In this statement Burke set forth the ground plan of his philosophy of reform. In elaborating it, we shall begin with an analysis of his principles of reform, and shall then attempt to relate his ideas to the doctrine of divine providence.

The Principles of Reform

"We must all obey the great law of change," Burke said. "It is the most powerful law of nature, and the means perhaps of its conservation."⁵ Not only natural but moral organisms must adapt themselves in order to preserve themselves. The British Constitution, he said during the American colonial crisis, had "admitted innumerable improvements, either for the correction of the original scheme, or for removing corruptions, or for bringing its principles better to suit those changes, which have successively happened in the circumstances of the nation, or in the manners of the people." Despite Burke's nervous fear of tinkering with the constitution, it is plain, in this passage as in many others, that he admitted the possibility and desirability of constitu-

⁴ *Works*, X, 254.

⁵ *Letter to Sir Hercules Langrishe* (1792), *Works*, VI, 369.

tional adjustments when the evolution of society demanded them. "Publick troubles," he said, "have often called upon this Country to look into its Constitution. It has ever been bettered by such a revision."⁶

Furthermore, as Burke explained in his *Speech on Economical Reform* in 1780, when reform has become necessary, it should be made promptly and thoroughly. Government should "consider the wisdom of a timely reform," because the very delay in making needed changes was in itself an evil, and sometimes a highly dangerous one. "Early reformatations are amicable arrangements with a friend in power; late reformatations are terms imposed upon a conquered enemy: early reformatations are made in cold blood; late reformatations are made under a state of inflammation. In that state of things the people behold in government nothing that is respectable. They see the abuse, and they will see nothing else."⁷

Yet Burke's main emphasis in his political writings was on the necessity of making changes, however imperative, cautiously and gradually. Social and political development could not be stopped: that he admitted. "All we can do, and that human wisdom can do," he said of Catholic emancipation in Ireland, "is to provide that the change shall proceed by insensible degrees." Burke certainly desired the relief of the Catholics from their disabilities. But he was equally eager to "prevent the *unfixing old interests at once*; a thing which is apt to breed a black and sullen discontent, in those who are at once dispossessed of all their influence and consideration." It was also desirable to "prevent men, long under depression, from being intoxicated with a large draught of new power, which they always abuse with a licen-

⁶ *Address to the British Colonists in North America* [1777], *Works*, IX, 212. Cf. *Works*, X, 351, 555; *Speeches*, I, 87. It must be admitted that Burke was slow in coming to see that the constitution of the British Empire needed to be changed. The development of his thought on this matter is described by Cone, *Burke and the Nature of Politics*, chap. X.

⁷ *Works*, III, 247.

tious insolence.”⁸ As he said on another occasion, it was his “own settled plan of policy” to grant the Irish Catholics all they asked and more; “but leisurely, by degrees, and portion by portion”; and this policy, he added, “I inculcate as much as I can to others.”⁹

Burke’s philosophy of social change therefore was “gradualist” and conservative, because it was concerned with the concrete and actual rather than with the abstract and speculative. The purpose of reform was to secure and expand existing advantages, not to realize abstract rights or to achieve an ideal order of society. The grievances of the Irish Catholics, he thought, should be remedied, not by appeals to the Rights of Man, but by admitting the Catholics to the practical benefits and political liberties conferred on other subjects by the British Constitution.¹⁰ He also thought that the Irish should not present their grievances in the form of demands for the recognition of rights but as petitions for relief. Only such a manner of proceeding made practical reform possible. “If the subject thinks so highly and reverently of the sovereign authority,” said Burke, “as not to claim any thing of right, so that it may seem to be independent of the power and free choice of its government; and if the sovereign, on his part, considers the advantages of his subjects as their right, and all their reasonable wishes as so many claims; in the fortunate conjunction of these mutual dispositions are laid the foundations of a happy and prosperous commonwealth.”¹¹ This was undoubtedly the attitude which Burke had wished to prevail in the relations between the British government and the American colonists, and which in later years he considered the proper alternative to the proclamation of the imprescriptible rights of man.

⁸ *Letters to Sir Hercules Langrishe* (1792), *Works*, VI, 369-370.

⁹ Burke to Richard Burke Jr., [18 Nov.] 1792, *Corr.*, III, 529. The date in brackets has been supplied by the editors of the Burke correspondence in Sheffield.

¹⁰ *Works*, VI, 315; IX, 407, 455; *Corr.*, IV, 79-80.

¹¹ *Letter to Sir Hercules Langrishe* (1792), *Works*, VI, 359.

Burke's conception of reform was intrinsically conservative in that it always related change to the preservation and improvement of an existing institutional structure. Even when proposing to deprive the East India Company of its chartered right to govern India, Burke said, "I feel an insuperable reluctance in giving my hand to destroy any established institution of government, upon a theory, however plausible it may be."¹² Of his administrative reform of the royal establishment in 1782, he was to write many years later that it was "not my love, but my hatred to innovation, that produced my plan of reform I had . . . a state to preserve, as well as a state to reform."¹³ That was in truth the spirit in which he had first proposed the plan. In 1780, in his *Speech on Economical Reform*, he had said that he approached "the great supreme body of the civil government . . . with that awe and reverence with which a young physician approaches to the cure of the disorders of his parent."¹⁴ The same restrained and moderate tone is heard throughout the speech. Reform for Burke meant the amelioration of the existing constitution, not its replacement by something new.

Burke's conservative principles of social change were elaborated most fully, however, in the course of his criticism of the French Revolution. He regarded that great series of events as an unmitigated evil, and would neither hear any good of it nor admit that anyone could honestly admire it. "I will never allow," he declared, "that enormous aggregate of Crime & Madness, called the French System, to stand for principle in any Man. The attachment to it is a proof of a malignant & wicked disposition; and this is all that can be truly said of it."¹⁵ Strong as this statement is, it is no more vehement than many others which Burke made in the 1790's.

¹² *Speech on the East India Bill* (1783), *Works*, IV, 14.

¹³ *Letter to a Noble Lord* (1796), *Works*, VIII, 22.

¹⁴ *Works*, III, 275.

¹⁵ Burke to Loughborough, 28 Nov. 1792, Fitzwilliam MSS (Sheffield).

But his reaction to the Revolution was not a purely emotional one. In criticizing what appeared to him an innovation on a scale previously undreamed of, he developed a counter-theory of reform.

Burke, says Professor Copeland, "was the one great statesman in France or England who had substantial doubts about the Revolution almost from the start."¹⁶ As early as September 1789, he saw the new French government as a radical democracy, all-powerful so long as it followed the voice of the mob in the subversion of all orders and privileges, but devoid of true authority and incapable of enforcing obedience to law or moral principle.¹⁷ Holding the views he did, Burke could approve of the reform of the ancient order of society and government, but not of its destruction. "You may have made a revolution," he warned DePont in November, "but not a reformation."¹⁸ His hostility to the Revolution became more intense as he became convinced that it was indeed not a reformation but a bursting of the bonds of society and an attack on the foundations of order.

In his critique of the Revolution, Burke was usually careful to avoid the position of defending the absolute monarchy as it had existed before 1789. But it was a cardinal point of his indictment that the French had had at least the foundations of a good constitution on the day on which the States-General met in May 1789. A civilized society, for Burke, was one made up of various ranks and orders, each with its privileges and franchises, and all of them represented in the government of the country, as in Great Britain they were. When, therefore, the several orders of the French nation met in the States-General, they had the elements of a British constitution and the materials with which to build a regime of ordered liberty.¹⁹ But whereas the French might have im-

¹⁶ *Our Eminent Friend*, 162.

¹⁷ Burke to Windham, 29 Sept. 1789, *Windham Corr.*, 20-21.

¹⁸ *Corr.*, III, 113.

¹⁹ *Works*, V, 13, 81-82; VI, 58.

proved their old constitution, they had abolished it. That, in Burke's eyes, was their great sin.

Burke admitted that "A state without the means of some change is without the means of its conservation."²⁰ But, he said on a subsequent occasion, "those who would reform a state ought to assume some actual constitution of government which is to be reformed." Nor was "constitution of government" to be taken in a narrow sense, for he immediately added that "it is become a necessary preliminary to liberty in France, to commence by the re-establishment of order and property of *every* kind, and, through the re-establishment of their monarchy, of every one of the old habitual distinctions and classes of the state."²¹ Reform must begin therefore with an actual social order and its constituted government and must use them as the foundation of all the good which it hoped to accomplish.

To decompose society into its first elements in order to rebuild it from the ground according to a better plan was innovation and revolution, not reform. In a true reform, the defective parts of the constitution were cured by the parts which were sound, and were changed only so much as was required to adapt them to the healthy parts.²² It was not necessary to wipe the slate clean in order to improve the picture drawn on it. On the contrary, said Burke, "There is something else than the mere alternative of absolute destruction, or unreformed existence. . . . A man full of warm speculative benevolence may wish his society otherwise constituted than he finds it; but a good patriot, and a true politician, always considers how he shall make the most of the existing materials of his country. A disposition to preserve, and an ability to improve, taken together, would be my standard of a statesman."²³

²⁰ *Reflections* (1790), *Works*, V, 59.

²¹ *Letter to a Member of the National Assembly* (1791), *Works*, VI, 51.

²² *Reflections* (1790), *Works*, V, 58-59.

²³ *Ibid.*, 285. Cf. *ibid.*, 233-235, 286-288, 303-306; *Works*, VI, 97, 288; *Corr.*, III, 117-118.

At once to improve and to preserve was the end and the ideal of reform. The achievement of this ideal depended on carrying out changes on "the principle of reference to antiquity," and on following "analogical precedent, authority, and example."²⁴ Burke explained his meaning more clearly when he said that he "would not exclude alteration" of the British constitution, but "even when I changed, it should be to preserve. I should be led to my remedy by a great grievance. In what I did, I should follow the example of our ancestors. I would make the reparation as nearly as possible in the style of the building."²⁵ The true reformer would remember that he had "a state to preserve, as well as a state to reform," and so would always bear in mind, not only the change he wished to make, but that to which the change must be adapted. He must therefore look backward as well as forward, and strive to follow precedents, not mechanically, but analogically, suiting them to new but similar situations. For this reason Burke said of himself that he made "what the ancients call *mos majorum* [the custom of our ancestors], not indeed his sole, but certainly his principal rule of policy, to guide his judgment in whatever regards our laws. Uniformity and analogy can be preserved in them by this process only."²⁶ The rule of uniformity and analogy meant that what already existed was made the foundation of desired improvement and was smoothly adjusted to that which was coming into existence. It was Burke's basic principle of reform; and the rejection of it by the French was a main reason for his condemnation of the Revolution.

The true reformer would also remember that social changes are rarely simple changes. "The nature of man is intricate; the objects of society are of the greatest possible complexity; and therefore no simple disposition or direction of power can be suitable either to man's nature, or to the

²⁴ *Ibid.*, 75.

²⁵ *Ibid.*, 436.

²⁶ *Appeal from the New to the Old Whigs* (1791), *Works*, VI, 165. Cf. *Works*, V, 78-79.

quality of his affairs.”²⁷ What was said of the “disposition of power,” that is, of the form of government, might be said also of the whole structure of society. In a large and complicated society, no one thing could be changed without changing many others.

The point has already been made that the realizable good of men in society is necessarily a limited and imperfect good. But even that limited good can be attained only gradually and over a period of time, and it requires the accumulation of much experience and the co-operation of many minds. “It may be allowed to [the law-giver’s] temperament to catch his ultimate object with an intuitive glance,” says Burke, “but his movements towards it ought to be deliberate. Political arrangement, as it is a work for social ends, is to be only wrought by social means. There mind must conspire with mind.” The working out of solutions to complicated problems takes time and requires patience and humility. Sound reform, consequently, can never be accomplished by the sort of mind which “glories in performing in a few months the works of ages.”²⁸

Burke wrote much more on the subject of reform in Ireland, India, and France, and in regard to the administration of the British constitution. But what we have seen is enough to permit the formulation of certain principles which he can safely be said to have held consistently. In the first place, he admitted in principle the necessity of social and political change, not only as inevitable, but even as desirable, because the good accomplished in the past could be preserved only by adapting it to the ever-changing present. But he admitted change only on practical, never on speculative, grounds. He had no patience with a demand for reform on the argument that an institution was wrong in concept, even though it could not be shown to be causing anyone a

²⁷ *Reflections* (1790), *Works*, V, 125.

²⁸ *Ibid.*, 304-305.

real hardship. Sound reform, therefore, must address itself to the remedy of real grievances and the realization of concrete and limited benefits. Consequently, although reform ought to be timely and thorough when it was needed, it should always be respectful of the past: it was necessary to preserve as well as to reform. Rather than abolish the existing order, reform must assume it and strive to adjust it to emerging needs; grievances must be remedied without destroying continuity. All this may be summarized by saying that the principles of reform are the rules of political prudence.

Divine Providence and Social Change

Sir Ernest Barker has said that Burke "felt that, even if you were content to follow the mind of man as your highest guide, there was a better thing than the individual mind of the individual metaphysician; and that was the collective mind of mankind working in history." But, as he goes on to say, Burke had another and religious reason for his belief in history. "God worked in history; God willed the state; and the rules of prudence in political affairs were therefore 'formed upon the known march of the ordinary providence of God' proceeding through history. By history therefore you may know both the collected treasures of the mind of man and the working of the providence of God."²⁹ The evolutionary process by which society preserved its continuity while redressing old grievances and attaining new perfections was a rational process for Burke, because it was carried on by the human mind. But it was also a process under the guidance of divine providence, some understanding of which therefore becomes necessary for a grasp of Burke's social and political theory.

In the theology from which Burke received this doctrine, providence is a corollary of the divine creation of the uni-

²⁹ *Essays on Government*, 220-221.

verse. Creation implies that no creature, and no modification of any creature, is self-existent. The deistic notion of a universal machine which needed a creator to get it started, but thereafter ran of itself according to its own laws, was evidence of the Western mind's faltering grasp on metaphysics and was, as has often been remarked, a half-way stage to what is now called naturalism. But the doctrine of creation, in its full meaning, asserts that the created universe, not only in its first beginning, but in the whole course and in every detail of its evolution, is dependent for its existence on the Creator. It follows that the actions of all creatures, even the free actions of men, are fully under the dominion and direction of God, and this direction is called divine providence.

The two essential features of the doctrine of providence are thus a true freedom of choice on the part of men and a supreme and ineluctable guidance of history on the part of God. The reconciliation of these elements is one of the most profound problems of metaphysics and theology, but since it was not a problem which engaged Burke's mind, it need not detain us here. Burke's references to divine providence are numerous, and there was probably no Christian doctrine in which he believed more devoutly; but he assumes rather than explains the doctrine. What he does say, however, in these occasional references to providence, indicates that he understood it in the sense in which it was generally understood by Christian theologians. That is to say, he believed both in God's supreme dominion over history, and in a genuine, though limited, human freedom within history.³⁰

I have already cited Burke's belief that the "immense revolutions" of human history are instances in which God

³⁰ Baronius, the author of one of Burke's college textbooks, took Cardinal Bellarmine to task for assuming that all Protestants held that the decrees of divine providence impose necessary actions on men. On the contrary, he said, many of our theologians take the opposite view, because to say that the decrees of providence are the cause of human choice would be to destroy human freedom. *Metaphysica generalis*, 320, 377 ff.

"signally asserts his supreme dominion." The rules of prudence, we have also seen, "are formed upon the known march of the ordinary providence of God." Now prudence assumes the freedom of the will, since its purpose is to direct choice. Prudence also assumes the normal course of events as it is ordinarily willed by God, and takes that for its guide. There is indeed an extraordinary providence by which God brings about events out of the usual course, but "they who presumptuously trust to the extraordinary providence of God, by acting without prudence or foresight, deserve to be abandoned by his ordinary protection."³¹ These and other passages, which will presently be cited, indicate Burke's simultaneous belief in human freedom of choice and in the superintending providence of God.

Both God's dominion and man's freedom are presupposed in Burke's phrase, "The situation of man is the preceptor of his duty." This remark had been preceded by a lengthy account of the crimes by which the English had won their power in India. Burke concluded his narrative by saying, "All these circumstances are not, I confess, very favourable to the idea of our attempting to govern India at all. But there we are; there we are placed by the Sovereign Disposer; and we must do the best we can in our situation. The situation of man is the preceptor of his duty."³² Burke did not pretend that God condoned, much less that He was Himself guilty of, the crimes by which India had been conquered. The conquest nevertheless fell within the order of His providence and was therefore, absolutely speaking, willed by God. With whatever guilt on their part, then, the English had been placed in power in India, and their situation there created obligations of justice which it was now their duty voluntarily to fulfill.

³¹ In the Commons, 16 Nov. 1775, *Speeches*, I, 345. Cf. *Works*, VIII, 222.

³² *Speech on the East India Bill* (1783), *Works*, IV, 44. Cf. *Works*, VIII, 185.

Burke returned in the *Appeal from the New to the Old Whigs* (1791) to the notion that the decrees of divine providence establish the situations which in turn determine men's duties. In the course of his argument to show that men's duties are not voluntary and so are not revocable at will, he said that he assumed "that the awful author of our being is the author of our place in the order of existence; and that having disposed and marshalled us by a divine tactick, not according to our will, but according to his, he has, in and by that disposition, virtually subjected us to act the part which belongs to the place assigned us."³³

When Burke says that God assigns men their place in the order of existence, he should not be understood as denying that men can choose their place. Burke was not himself, after all, in any obvious sense the predetermined product of his environment. Born the son of an attorney in Dublin, he was sent to London to study law, chose a literary career instead, and finally got into politics. At one time he seriously considered emigrating to America, and would certainly have had a very different career had he done so. But the doctrine of providence teaches, and Burke profoundly believed, that even the free choices of men fall under the supreme guidance of God, and that the history both of individuals and of nations is ruled by a higher will than ours. It follows that the duties arising from the situations which emerge in the course of that history are determined "not according to our will," but "by a divine tactick."

The doctrine of divine providence, as understood in Christian theology, means that history is determined by God, not that God is bound by a law of development immanent in the historical process. God rules the historical process from outside and above, and in ways and for ends that are not always discernible in the process itself. Providence therefore affords no foundation for an Hegelian science of history.

³³ *Works*, VI, 206. Cf. *Works*, III, 126; XVI, 117; *Corr.*, III, 146.

Leo Strauss has remarked, however, that Hegelian historicism grew out of a change in men's understanding of providence, by which providence came to be considered as intelligible to the human mind. This change had important effects on the notion of morality. The theological tradition had taught that God permits evil for His own good ends. But since His providence is mysterious, men cannot take their moral bearings by it, but only by God's law, which simply forbids the doing of evil.³⁴ But, says Professor Strauss, "In proportion as the providential order came to be regarded as intelligible to man, and therefore evil came to be regarded as evidently necessary or useful, the prohibition against doing evil lost its evidence." Because "evil" was now seen as a necessary part of a determined process whose rationale men could grasp, the distinction between good and bad in moral terms passed eventually into the difference between the progressive and the retrograde, i. e., between what is and what is not in harmony with the historical process. This was historicism.³⁵ Historicism, in short, grew out of a "secularization" of the Christian doctrine of providence. In view of criticisms which have been made of Burke's conception of history, we must consider whether he took part in this process of secularizing providence.

Burke's early writings certainly assume a degree of divine transcendence which is incompatible with a secularized version of providence. Burke made his most numerous statements on the relation between providence and history, however, in regard to the French Revolution. One of those statements has led to the charge that his conception of providence was a prelude to nineteenth-century historicism. At the close of his *Thoughts on French Affairs* (1791), Burke said:

³⁴ This distinction is explained in two of Burke's college textbooks: Baronius, *op. cit.*, 372-377; and Sanderson, *De obligatione conscientiae*, 132-133.

³⁵ *Natural Right and History*, 317.

If a great change is to be made in human affairs, the minds of men will be fitted to it; the general opinions and feelings will draw that way. Every fear, every hope, will forward it; and then they who persist in opposing this mighty current in human affairs, will appear rather to resist the decrees of Providence itself, than the mere designs of men. They will not be resolute and firm, but perverse and obstinate.³⁶

These words have been interpreted by Professor Strauss as meaning that Burke held a secularized version of providence, and thereby tended to identify the good with the actual, the rational with the real. Burke was not an historicist, Strauss says, but in the passage quoted above he comes close to suggesting that to oppose a thoroughly evil current in human affairs is perverse if that current is sufficiently powerful; he is oblivious of the nobility of last-ditch resistance He does not consider this because he is too certain that man can know whether a cause lost now is lost forever or that man can understand sufficiently the meaning of a providential dispensation as distinguished from the moral law.³⁷

Basil Willey agrees in substance with this criticism when he attributes to Burke the notion that "Whatever has actually come into being must be 'right' and 'natural' because it must accord with the Will that has permitted it."³⁸

Burke's words undoubtedly bear this interpretation. But before coming to a conclusion about his meaning, his general attitude towards the Revolution in its relation to providence should be considered. Two things may be said with certainty. The first and most obvious is that Burke did as much as any other man to rouse Britain and all Europe against the Revolution, and evidently did not think he was defying God in so acting. The second is that from 1791 until his death in 1797 Burke's prevailing mood was one of despair. The unwillingness of the European governments to take effective

³⁶ *Works*, VII, 85.

³⁷ *Op. cit.*, 318.

³⁸ *The Eighteenth Century Background* (London, 1950), 241.

united action against what he saw as the greatest threat of the age appeared to him an indication that God, for His own reasons, had decreed the destruction of the old order and the triumph of the Revolution. This is very plain in his correspondence of the period.

The following passages, while not exhaustive, are typical. In 1791, several months before the publication of *Thoughts on French Affairs*, Burke wrote:

I confess I am astonished at the blindness of the states of Europe, who are contending with each other about points of trivial importance, and on old worn-out principles and topics of policy, when the very existence of all of them is menaced by a new evil, which none of the ancient maxims are of the least importance in dissipating. But in all these things, we must acknowledge and revere, in silence, a superior hand. In the spirit of this submission, I, however, am so far from blaming every sort of endeavour, that I much lament the remissness of the gentlemen of France.³⁹

Later in the same year he wrote to Earl Fitzwilliam, expressing his pessimism about the possibility of preventing the growth of the French system by any method. "The evil has happened," he said, "the thing is done in principle and in example; and we must await the good pleasure of a Higher Hand than ours for the time of its perfect accomplishment in practice in this country and elsewhere. All I have done for some time past, and all I shall do hereafter, will only be to clear myself from having any hand, actively or passively, in this great change."⁴⁰ In 1794 Burke wrote to Lord Loughborough, saying, "I am afraid, that our doom is sealed. There are very strong & evident marks of it."⁴¹ About the same

³⁹ Burke to de la Binnay, March 1791, *Corr.*, III, 204.

⁴⁰ 21 Nov. 1791, in Magnus, *Burke*, 348-349.

⁴¹ [Before 3 Oct. 1794], Fitzwilliam MSS (Sheffield). Note that this is a first draft and that in the final version the quoted phrases are softened, but the meaning remains the same. Phrases fully as pessimistic occur again and again in Burke's correspondence in this period, even in private letters which could hardly have been written for political effect.

time, fearing that the coalition of the Portland Whigs with Pitt would break down, Burke exclaimed to Windham, "It looks as if the hand of God was in this, as it is strongly marked in all the rest. However, we must still use our poor human prudence, and our feeble human efforts, as if things were not, what I greatly fear they are, predetermined."⁴²

The unpublished correspondence between Burke and Earl Fitzwilliam reveals that in the last half of 1795 they were both convinced that Jacobinism was at its last gasp, and that the British government, by its willingness to recognize the French government and make peace, was saving the Revolution. In the following March Burke told a French friend, "It seems as if it were Gods will, that the present order of things is to be destroyed; & that it is in vain to struggle with that disposition."⁴³ Finally, a few months before his death, another exclamation of despair: "there is the hand of God in this business, and there is an end of the system of Europe, taking in laws, manners, religion and politics, in which I delighted so much."⁴⁴

These were the emotional outbursts of a heartsick man who thought he saw his world going to pieces around him, and that largely through its own stupidity. But they do not seem to be the words of one who believed that God is always on the side of the biggest battalions, or that whatever is, is right. The question of Burke's providentialism and its relation to history would seem, moreover, to be decisively settled by the opening pages in his *First Letter on a Regicide Peace*, which was published in 1796. These pages are devoted to the impossibility of predicting the rise and fall of states and are an implicit denial that divine providence is sufficiently intelligible to provide men with a truly scientific knowledge of the course of history.

⁴² 16 Oct. 1794, *Windham Corr.*, 131.

⁴³ Burke to de la Bintinnaye, [11 March 1796], Fitzwilliam MSS (Lamport).

⁴⁴ Burke to French Laurence, 11 April 1797, *French Laurence Corr.*, 186.

A few excerpts from these pages must suffice. "I am not quite of the mind of those speculators," Burke says, "who seem assured, that necessarily, and by the constitution of things, all states have the same periods of infancy, manhood, and decrepitude, that are found in the individuals who compose them." He then sets forth the reasons for his disagreement, and concludes: "I doubt whether the history of mankind is yet complete enough, if ever it can be so, to furnish grounds for a sure theory on the internal causes which necessarily affect the fortune of a State. I am far from denying the operation of such causes: but they are infinitely uncertain, and much more obscure, and much more difficult to trace, than the foreign causes that tend to raise, to depress, and sometimes to overwhelm a community."⁴⁵

Burke next relates the uncertainty of the course of political events to divine providence, and says, "It is often impossible, in these political inquiries, to find any proportion between the apparent force of any moral causes we may assign and their known operation. We are therefore obliged to deliver up that operation to mere chance, or more piously (perhaps more rationally) to the occasional interposition and irresistible hand of the Great Disposer."⁴⁶ Providence appears here, not as the source of the intelligibility of human history, but rather as the ultimate but mysterious reason for precisely that which is unintelligible in history.

There follows a passage, the conclusion of which is that it is impossible to foretell the fate of states. The reason is that the causes which determine their fate are unpredictable by the human mind: "The death of a man at a critical juncture, his disgust, his retreat, his disgrace, have brought innumerable calamities on a whole nation. A common soldier, a child, a girl at the door of an inn, have changed the face of fortune, and almost of nature."⁴⁷ Whatever one may think

⁴⁵ *Works*, VIII, 78-79.

⁴⁷ *Loc. cit.*

⁴⁶ *Ibid.*, 79-80.

of the validity of this view of history, it is clear that it does not imply the kind of historical determinism which is subject to human analysis and exact prediction.

Burke may have been too quick, in his fits of depression, to see the divine doom pronounced on the old order in Europe and to proclaim the struggle to preserve it vain. But his words, taken in their ensemble, do not indicate that he was moving toward a "scientific" conception of history, in which questions of right and wrong would be eliminated by knowledge of the inner law of the historical process. The future remained for Burke uncertain and ultimately mysterious. Political reasoning, for him, was still practical and prudential, and even in the light of what seemed to be God's providential determination, political crises were still to be met by the exercise of human effort and human prudence. Taken at their strongest, Burke's words only urge acceptance of the inevitable as the will of God. They do not say that God has made evil good or that the inevitable must be morally right. It seems safe to conclude, therefore, that Burke's thought remained within the main lines of the Christian doctrine of providence and of his own conception of the role of reason in politics.

Yet, if divine providence did not provide men with a scientific understanding of the course of history, on the other hand it did not leave them wholly to their own resources. There was an "ordinary protection" of God which those men deserved who acted with "prudence or foresight." God, by the "divine tactic," established the situations in which men must act and thereby prescribed their duties. In effect, God demanded human co-operation, and if it was given, He in turn guided their efforts and turned them to good results. This was as true of nations as of individuals. That "system of Europe, taking in laws, manners, religion, and politics," in which Burke said he had "delighted so much," had evolved

over the course of centuries through a more or less imperfect but real co-operation of men with God's ordinary providence. This consideration serves to explain Burke's profound reverence for the past and his insistence on moderation and continuity in social change.

It may be asked, however, if Burke so firmly believed that God guides the destinies of nations, why did he so greatly fear for the future? The answer suggested by Professor MacCunn is probably the correct one. Burke's fears were most pronounced during the French Revolutionary era, because he saw in the Revolution, not merely a political movement, but a rebellion against God.⁴⁸ It was possible for men, as Burke once said in the course of the Hastings trial, to "counteract the order of Providence."⁴⁹ By this he did not mean that men could escape from the dominion of God over history and evade the accomplishment of His purposes. But he meant the same thing which he had in mind when he said that the rules of prudence are formed on the known march of the ordinary providence of God. There was an ordinary or usual way in which God worked in the world, and with which He expected men to co-operate. They might rebel against it, but to their own ruin. The French Revolution, with its contempt for the past and its hasty impatience to set all things right according to an abstract pattern, appeared to Burke to be just such a rebellion; and its triumph would be a punishment which God permitted to fall on men for their presumption.

The same fear of an irreverent radicalism also explains much of Burke's opposition to constitutional change. Burke might point out, were he here to answer his critics, that he had labored hard for the reform of British rule in Ireland, India, and elsewhere. He had proclaimed as a general principle that "we must all obey the great law of change," and had worked out an intelligent and consistent philosophy of re-

⁴⁸ *Political Philosophy of Burke*, 99-108.

⁴⁹ 21 April 1789, *Works*, XIII, 406.

form. He was clearly aware that the British constitution had developed gradually through various changes, and had said on at least one occasion that it had ever been bettered by prudent revision to meet new circumstances. It was really only on the point of parliamentary reform that he was adamant, because of the radical ideology associated with it.

Yet for all that, Burke remains open to the criticism voiced by Sir Philip Magnus when he says, "Burke had faith in the divine wisdom which had evolved . . . the eighteenth-century Constitution of Britain; he had no faith at all in the ordered continuance of that divine evolutionary process."⁵⁰ The tone of Burke's writings is frequently that of a man fighting a rearguard action and more desirous of preserving the achievements of the past than of improving them for posterity. Much of his attitude can be explained by his fear of radicalism, but not all of it. Thomas I. Cook does him less than justice when he says, "Potentially an apostle of gradualism, Burke is in fact the defender of a static regime that yields to time only on trifles and at the last moment."⁵¹ Yet it seems true that Burke magnified unduly the difficulties and dangers involved in constitutional reform. He was so impressed with the intricacy and delicacy of the constitution which historical evolution had produced that he gave the impression of believing that evolution could go no further without courting disaster. In that he appears to be inconsistent with his own principles. He himself had elaborated the idea of a living and developing constitution, constantly being renewed by reform, but when it came to organic constitutional change, he refused to draw the conclusion. The criticism is therefore justly made that what was lacking in Burke's constitutional theory was a vision for future development and a faith in divine providence extending beyond the boundary of the present.

⁵⁰ *Burke*, 62. Cf. *ibid.*, 207-208.

⁵¹ *History of Political Philosophy* (New York, 1936), 699.

Recapitulation

It would be difficult to maintain that Burke's political thought was completely self-consistent. As has just been indicated, his attitude toward the reform of the representation in Parliament does not seem to jibe with his general theory of social and political change. Other inconsistencies—perhaps existing only in the mind of the student of Burke, but perhaps in Burke's mind also—have been pointed out in the course of this study. But for all that, Burke's thought had a structure to which it generally conformed. That this structure was shaped by a particular conception of the function and mode of operation of political reason is the thesis of the present work. The evidence for the thesis has already been presented, but its force may perhaps be more clearly perceived in a recapitulation of Burke's political philosophy as seen from this point of view. With this summary we shall conclude.

Burke's fundamental assumption, usually left unspoken, was that order is the work of reason. The reason which creates order, however, is not solely nor even primarily human reason. In accordance with the intellectual tradition of Christian philosophy, Burke saw the entire universe as an intelligible whole, the product of the Divine Reason. Within that universal order there was a natural moral order, derived from the structure and essential relationships of human nature as created by God. The fundamental purposes of human action and the basic principles regulating the achievement of those purposes were prescribed by this moral order. As recognized by human reason and applied to the direction of conduct in the form of moral imperatives, these principles were called the natural moral law.

The state too was a moral entity, whose existence was prescribed by, and whose authority was derived from, the moral law and the exigencies of a human nature seeking its

own perfection. This moral and teleological conception of the state was basic to Burke's political thought, and furnished the link between his conception of the natural moral order and the man-made order of civil society. It is also the feature of Burke's thought which distinguishes his "pragmatism" from a purely empirical and utilitarian approach to politics. My interpretation of Burke differs on this point from that of Morley, Stephen, Laski, and others who understand Burke to make utility or expediency the supreme norm of political judgment.

Burke was certainly not unique in believing in a natural order from which the civil order was derived and to which it ought to conform. But he differed from a type of thought very common in his age in that he denied that the natural order furnished a blueprint for the civil order, or that reason prescribed any ideal patterns for society. The element of contingency inherent in human affairs showed such patterns to be impracticable and made it wiser to rely on historical precedents than on abstract theory. Burke, it is true, asserted the supremacy of moral principles over political expediency, but on the other hand he denied that abstract principles were sufficient of themselves for the construction of a sound society. Principles had to be applied to existing reality by practical reason, and between the principles and their final application there was an area in which prudence reigned supreme. Burke's conception of the function of prudence is thus the key to an understanding of his political thought because it explains both his insistence on an empirical and pragmatic solution of political problems and his belief in a natural moral order.

The natural moral order was the foundation of the natural law and of the natural rights of men. It was an integral part of Burke's conception of reason in politics that he thought of natural law and natural rights as mediated to

men through a concrete and actual social order. The social order, as he conceived it, was a contingent, man-made realization of the natural moral order, a subordinate clause, to use his own phrase, in the great primeval contract of eternal society. Duties and rights, which were prescribed in their essence by the natural law, found concrete existence in artificial and conventional forms in an actual social order. Human nature, that is to say, realized itself and fulfilled the purposes of its Creator in and through artificial and mutable social forms.

Now the social order was the work, not of abstract, deductive reason, but of practical reason, which assumed its major premises from natural law, but worked from these premises to conclusions by a mode of reasoning proper to itself. But if the order of civil society was not deduced in the abstract, like a theorem in geometry, neither on the other hand did it grow under its own impulse, like a natural organism. Society was made by man. But it was made in history, under the direction of divine providence, by man's practical reason. It was therefore the product of many minds, working over long periods of time and without an ideal society as a clearly-defined goal. In that sense civil society could be said to grow. The minds which made it were trying, at their best, to preserve the good which they had inherited from their ancestors, and to improve it by adapting it as well as they could to the demands of new situations. What evolved through this process was a complex and intricate web of relationships, supported by habitual social judgments and sentiments in the form of "opinion" and "prejudice." This artificial and man-made social order was man's true "state of nature" and was the environment in which God and nature intended men to live.

The practical reason which built society was concerned with means in their relations to ends, and so with the direc-

tion of action. The goals to which reason directed action were necessarily limited and imperfect, and had to be realized in complex and changing circumstances. The judgments of political reason, consequently, for the most part lacked demonstrable certainty. The emphasis of Burke's thought was therefore on experience, combined with a constant attention to the actual situation in which it was necessary to act. Principles were essential, but not sufficient. There was a certain flexibility in the application of principles to practice, and as a result, the conclusions of political reasoning were neither wholly certain nor rigidly unchangeable. Compromise in the political process was therefore both legitimate and necessary, and moderation was a political virtue.

It also followed that no one structure of society or form of government was the only legitimate one. Social and political forms were matters, not of natural right, but of convenience and expediency. The considerations which determined the distribution of power and the representation of the people were practical considerations, looking to the people's real advantage rather than to their *a priori* right to a share in power. The form of government best suited to a people was something to be worked out historically, and not a conclusion to be deduced by doctrinaire argument.

Burke thought of society, not as a collection of individuals each originally sovereign in his own right, but as an organized moral whole. The order of civil society existed by common consent: it was rooted in the common opinion that it was good for its members to belong to it; and it was buttressed by strong prejudices in its favor. But civil society was not dependent for its existence on the revocable consent of a majority of the people. Rather, it was ruled by a government which had a prescriptive right to exercise the authority inherent in society by natural law. Ideally, in Burke's view, the governors represented the people, either virtually or ac-

tually, because they were bound to them by strong ties of mutual interest. But he did not think it desirable that the government should be too dependent on the popular will. A "natural aristocracy" of men suited by birth and education to exercise their rational judgment for the good of the whole existed in every civilized society, and government should be drawn from and chiefly dependent on this class.

Finally, despite a fear of constitutional change which sometimes paralyzed his judgment, Burke recognized in principle that change was the law of society's life and the means of its conservation. But the primacy of the idea of order made him insist on continuity as the chief consideration in reform. Keenly aware as he was of the element of continuity in human life, he knew that the social order could not be a static, but must be a dynamic set of relationships which maintained itself by constant adaptation. The adaptation, however, would have to be made in accordance with the rules of prudence and in the manner proper to practical reason, if the social order were to preserve itself and were not to be destroyed by revolutionary change. There must be no assumption that the past was simply evil or that there could be in the future a perfect realization of an ideal order of society. The basic goals and principles were derived from the natural moral order, but human society must always be an historically conditioned, limited, imperfect, and artificial embodiment of them. Revolutionary change was not reform, but innovation; and it was mad. Sane reform would aim at achieving practical advantages while preserving continuity with the past through gradual and cautious change.

Order, we have said repeatedly, was for Burke the work of reason. It is submitted that, for all of his deep distrust of the abstract and speculative reason, this statement of his thought will stand in the light of the evidence which has been presented. Burke was well aware that the social order

was a work to be achieved by men to whom passion was as natural as reason, and that they must achieve it amid circumstances never fully comprehensible by reason or fully under its control. Yet order was nonetheless the work of reason. If that be so, then Burke was a political rationalist. His profound and luminous mind may therefore offer guidance to an age which has had somewhat too much of political passion and revolutionary ideology. One may easily disagree with the practical conclusions to which Burke came in facing the political problems of his day, and yet find wisdom in the way in which he came to those conclusions. For it is not Burke's least contribution to political thought that he presents a way of thinking and a mode of reasoning about politics and its problems which make it possible to approach them rationally, while avoiding both unprincipled expediency and doctrinaire idealism.

APPENDICES

Appendix A

Burke's College Study of Philosophy

IT HAS long been known that Edmund Burke studied philosophy as part of his regular course in Trinity College, Dublin, but his biographers have offered little information on the content of his philosophical studies. Such information as they do offer is taken from Burke's correspondence during his college days. In this correspondence Burke mentions only one author of a textbook in philosophy, Burgersdijck, or in the latinized form of the man's name, Burgersdicius.¹ The biographers seem to have formed their judgment on Burke's philosophical studies largely on the basis of the youthful student's unflattering comments on Burgersdijck, apparently without themselves consulting the man's work. Of the other philosophical authors read by Burke they say nothing.

Yet the works of a philosophical nature which formed part of the Trinity course in Burke's time can be named with a fair degree of certainty. Burke was a student, undergraduate and graduate, at Trinity College from 14 April 1744 until early in 1750. At that time the four-year undergraduate course was divided into Classics and Science, all the philosophy studied being contained in the Science course. A list of the works which formed the subject of the Science

¹ Burke to Richard Shackleton, 24 May 1744, in Arthur P. I. Samuels, *The Early Life, Correspondence, and Writings of the Rt. Hon. Edmund Burke* (Cambridge, 1923), 29-30. I have read all of Burke's early letters published in the *Correspondence* and the unpublished ones at Sheffield and Lamport, but have found no reference to any other textbook.

course at Morning Lectures in 1736 may be found in Stubbs's *History of the University of Dublin*.² Mr. R. B. McDowell, the Senior Tutor of Trinity College, has assured me by letter that it may safely be assumed that "no significant change" occurred in the Trinity course between 1736 and Burke's matriculation a few years later. We have, then, with a high degree of probability, a list of the textbooks studied by Burke in his college days. The works included in this list are further explained and commented on by Mr. McDowell and D. A. Webb in an historical article on the courses of study in Trinity College through the centuries.³ It is from this source and from a personal examination of the works under discussion,⁴ that the information presented here is drawn.

The philosophical part of the course is the only one with which we are concerned. It consisted of logic and ethics, but logic was taken in a wide enough sense to include a good deal of metaphysics. The first year of the course was devoted to the study of a Latin textbook, Fr. Burgersdicii *Institutionum Logicarum libri duo*. This work was published at Leyden in 1626 and in England in 1637.⁵ Its author was Franco Burgersdijck, a professor at Leyden and one of the *Systematici* of the early seventeenth century. According to Arthur Samuels⁶ and Canon Murray,⁷ Burgersdijck was a Ramist, that is a follower of Peter Ramus, who led a partial revolt against Aristotelian logic and is considered a fore-

² John William Stubbs, *History of the University of Dublin, from Its Foundation to the End of the Eighteenth Century* (Dublin and London, 1899), 200.

³ "Courses and Teaching in Trinity College, Dublin, during the First Two Hundred Years," *Hermathena*, LXIX (1947), 9-30. Acknowledgment is made to Messrs. McDowell and Webb for permission to use their findings.

⁴ I have examined the copies of these works which are in the Bodleian Library in Oxford. Since the editions in the Bodleian are different from those cited by McDowell and Webb, the edition in the Bodleian will be mentioned in a footnote in each case.

⁵ The edition in the Bodleian was published at Cambridge in 1647.

⁶ *Early Life, etc.*, 28.

⁷ Robert H. Murray, *Edmund Burke* (Oxford, 1931), 27.

runner of Bacon and Descartes. McDowell and Webb say, however, that Burgersdijck was in general an Aristotelian, although the school of the *Systematici* to which he belonged had been influenced by both sides in the Ramist controversy. An examination of the text bears out their contention, because it shows that Burgersdijck quotes Aristotle too consistently to be hostile to him.

For the second year of the Science course at Trinity Stubbs lists Clerk's *Logic*, *Art of Thinking*, and Singlerius; all of which titles are inaccurate. We shall for the moment pass over Clerk's *Logic* and the *Art of Thinking*. Singlerius should be Smiglecius, the latinized name of Martin Smiglecki, a Polish Jesuit and one of the more distinguished of the *Systematici*. His *Logica* was published in 1618,⁸ and much resembles Burgersdijck's work, but is even more discursive and detailed. Its subject matter is scholastic Aristotelian logic and metaphysics, presented in a rather crabbed style and in the technical Latin terminology of the schools.

The third year of the course was devoted to natural science, and so we shall omit consideration of it. In his final year as an undergraduate, however. Burke studied four authors, all of them philosophers, namely, Eustachius, Sanderson, Puffendorf, and Baronius. Baronius was Robert Baron, Professor of Divinity at Marischal College, Aberdeen. He died in 1639, but according to McDowell and Webb, his work was not published until 1657.⁹ It presents a scholastic Aristotelianism and covers most of the basic metaphysical problems, such as the properties of being, act and potency, and the four causes. Baronius shows what strikes a modern reader as a surprising familiarity with the great scholastic theologians, from Aquinas to Bellarmine and Suarez, and save on the points in dispute between Protestants and Cath-

⁸ The edition in the Bodleian was published in 1638.

⁹ The edition in the Bodleian was published in this year, 1657, but does not seem to be a first edition, if one may judge by its title, *Metaphysica generalis: accedunt nunc primum quae supererant ex Parte Speciali*.

olics, he does not hesitate to follow them. Indeed he sometimes follows the scholastics in preference to certain schools of Protestant thought.

Eustachius was Eustache de St. Paul, a French Cistercian monk of the Congregation of Les Feuillans, who died in 1613. His work first appeared in England in a Cambridge edition of 1655,¹⁰ and is entitled *Ethica, sive summa moralis disciplinae*. It is divided into an introductory section and three parts. The introduction treats of the nature of moral philosophy. The first part takes up the nature of the good, the teleology of human nature, and happiness as the final goal of man. The second part concerns the principles of human actions and deals with the mutual relations of intellect, will, and the lower faculties. Habit and the question of God's concurrence with human actions are also discussed. Human actions considered in themselves are the subject of third part, which treats of the voluntary and involuntary, ignorance as a factor in moral action, the constituent elements of a moral act, the passions, and the several virtues and vices. There is an evident resemblance in structure and subject matter to the ordinary treatise on moral theology, but Eustachius's little book is highly condensed, a mere summary of scholastic doctrine on its subject. References to Aristotle and St. Thomas Aquinas are given throughout. As far as can be judged without a thorough reading of the entire book, the doctrine is strictly Thomistic. It is certainly so in the section on the virtue of prudence, which is avowedly taken from the corresponding treatise in the *Summa theologiae*.

Robert Sanderson, Anglican Bishop of Lincoln, delivered his *Praelectiones* while Regius Professor of Divinity at Oxford in 1646-1647. The two series, *De juramenti promissorii obligatione* and *De obligatione conscientiae*, published as separate volumes, form together one of the few extensive

¹⁰ The Bodleian has a London edition of 1658.

Anglican treatises on casuistry. Of the first series of lectures it need only be remarked that it is much in the style of standard manuals of moral theology; it concerns a narrow subject, and is of no interest here. The subject of the second series is the obligation of conscience.¹¹ In dealing with the norm of conscience Sanderson takes up the subject of law and includes a treatise on the natural law recognizably derived from Aquinas.

Samuel Puffendorf's *The Whole Duty of Man* was published in a duodecimo edition in Dublin in 1716.¹² This was a translation of *De officio hominis et civis*, first published in 1675, which in turn was an epitome, made by Puffendorf himself, of his earlier and more celebrated work, *De jure gentium et naturae*. The work is divided into two books, which may be roughly called private and political ethics, and introduces the student to the ground where ethics and jurisprudence meet. Paul Hazard says that the original Latin title of the work, *The Duty of Man and the Citizen*, suggests the French Revolution. He then goes on to indicate some of the characteristics of the work which foreshadow the revolutionary ideology. Hazard places Puffendorf in the distinctively modern stream of natural-law theory flowing from Grotius.¹³ A perusal of the text lends support to this view.

McDowell and Webb call Puffendorf the only truly secular writer among the philosophers studied at Trinity in 1736. In him, they say, can be discerned an early manifestation of that particular type of rationalism which was later to blossom as the gospel of the Enlightenment. I should disagree only to the extent of also placing Jean LeClerc in the same stream of thought.

LeClerc is the author whom we have noted under the title of Clerk's *Logic*. This book and the *Art of Thinking* were

¹¹ The Bodleian has an edition published in London in 1670.

¹² The copy in the Bodleian is of the fifth edition, London, 1735.

¹³ *La Crise de la conscience européenne*, 282.

not two works, as Stubbs apparently thinks, but one, the *Logica sive Ars Ratiocinandi* of Jean LeClerc, published in Amsterdam in 1692.¹⁴ LeClerc was a Protestant theologian and polymath who had settled in that city and there made friends with John Locke. His work, according to McDowell and Webb, represents Lockean logic in the Trinity course, and in their judgment it is simple, clear, and competent, if uninspired. To me, LeClerc stands for a transitional stage in the passage from scholastic to modern philosophy. He writes in Latin and under many of the usual headings of the scholastic textbooks. But he is in reaction against scholasticism and is impatient of subtlety. His tendency therefore is to reduce metaphysical problems to the terms of common sense. A very brief chapter is devoted, for example, to the notions of act and potency, which are basic to scholastic metaphysics. In it LeClerc says in effect that act and potency are mere names that have been imposed on certain abstract ideas, which it would be a waste of time to study. His doctrine on the origin of ideas on the other hand is pure Lockean sensism. He would seem therefore to have participated in the movement of ideas most characteristic of the philosophy of his time, the general direction of which was toward the secularization of thought. For this reason one might group him with Puffendorf as a secular writer.

We have now completed the list of authors who formed Burke's college course in philosophy. To recapitulate, Burke may be taken to have studied while at Trinity College, the textbooks of seven writers on philosophy. Two of these, Puffendorf and LeClerc, represent a rather early stage of the sensism and rationalism which came to full flower in France during Burke's own lifetime. The other authors, Burgersdijck, Smiglecki, Baron, Eustache de St. Paul, and Sander-son, represent in varying degrees the scholastic tradition of

¹⁴The copy in the Bodleian was published in London in the same year, and is bound together with an *Ontologia* or treatise on metaphysics dedicated to John Locke.

medieval Christian Aristotelianism. Sir Ernest Barker has said that "Burke was always an Aristotelian, perhaps because he was also, even if unconsciously, a Thomist."¹⁵ If this opinion is sound, then one may legitimately find a partial answer to the question of the sources of Burke's "Thomism" in his college education.

Yet it would be rash to suggest that Edmund Burke graduated from Trinity College a scholastic philosopher. Several considerations militate against such a conclusion, of which I shall mention the two which appear to be the strongest. The first is that we know so little of Burke's teachers, who presumably exercised more influence on his mind than did his textbooks. The works in the scholastic tradition which Burke studied at Trinity were written in a forbidding style and one wonders how much even a gifted student could get out of them without the aid of a competent teacher. That raises the question of the caliber of the men who lectured on those works, but on that subject information unfortunately is lacking. Mr. McDowell informs me that as an undergraduate Burke would have received most of his instruction from his tutor, Henry Pelissier. Dr. Pelissier was professor of divinity for a time, so that it may be assumed that he had a fairly wide knowledge of theology, and that his interests were those of the usual scholarly Anglican divine in the eighteenth century. But since he never published anything, we do not really know. As Mr. McDowell says, "The silent don is always a problem." We remain in the dark therefore as to the competence of Burke's teachers.

A second and more weighty consideration is Burke's own attitude toward philosophy in his college days. It is plain from his correspondence with his friend, Richard Shackleton, that his chief interests while a student at Trinity were literary. But he did profess at one time to be "deep in metaphysics"

¹⁵ *Essays on Government*, 218.

as well as poetry,¹⁶ and said later that his *furor logicus* had lasted "a good while and with much pleasure."¹⁷ We may take it, then, that Burke gave more than a small share of his attention to philosophy in college.

But, as has been said, the only one of his philosophy textbooks which Burke mentioned in the correspondence of his college days was Burgersdijck's. What he said of "hideous Burgersdicius" does not convey the impression that he esteemed the worthy Dutchman highly: "never look Burgy in the face, by Jove the thoughts divine! The blackguard stuff, the hoard of exploded nonsense, the scum of pedantry and the refuse of the Boghouse-School Philosophy."¹⁸ But this outburst of feeling was written only a month after Burke began his college studies and need not be taken as a definitive expression of his attitude toward those studies. He was not the first or the last college boy to explode with wrath at a dull and difficult textbook. Burke also used some caustic phrases about "the errors and absurdities of Aristotle" in a letter to Shackleton,¹⁹ but by 1775, in his *Speech on Conciliation with the Colonies*, Aristotle had become "the great master of reasoning,"²⁰ and all of Burke's other references to him in his adult life were in terms of equal respect. It would seem unwise, therefore, to attach much importance to his comments on Burgersdijck.

Of perhaps more significance is the fact that the only one of his college textbooks in philosophy which Burke praised in later days was Jean LeClerc's *Ars Ratiocinandi*, which he called a book "very fit to be put into the hands of the boys who have got through their classics . . . as a good introduction

¹⁶ Burke to Shackleton, 12 July 1746, *Corr.*, I, 20.

¹⁷ Burke to Shackleton, 21 March 1747, *ibid.*, 22.

¹⁸ Burke to Shackleton, 24 May 1744, in Samuels, *Early Life, etc.*, 29-30.

¹⁹ 30 [*sic*] Feb. 1745, *ibid.*, 67.

²⁰ *Works*, III, 112.

to anything else they may read.”²¹ But the decisive consideration in ascertaining Burke’s early philosophical views is his essay on *The Sublime and Beautiful*, which was published in 1756, but had been begun while he was still a student at Trinity College.²² As was explained at some length in the second chapter above, Burke’s analysis of the origin of our ideas of the sublime and beautiful assumes Locke’s sensistic psychology throughout. It seems plain, therefore, that the dominant philosophical influence on Burke’s mind in his college days was Locke’s theory of knowledge, either as expounded by the master himself (for surely Burke read Locke), or by disciples such as Jean LeClerc.

Yet the influence of Burke’s study of scholastic philosophy on his mind, though it is not apparent in his early writings, ought not to be denied out of hand. It has been pointed out by more than one student of Burke that his political writings, the productions of his mature mind, reveal a progressive though unavowed revolt against Locke’s philosophy. As Alfred Cobban has put it, Burke was essentially “in revolt against a theory of the mind—that superficial psychology of sensations described above [and attributed to Locke].”²³ But what did Burke put in place of the rejected philosophy? The basic premises of Burke’s mature political thought, as they have been outlined in the present work, strongly resemble those of medieval Christian Aristotelianism. The resemblance becomes striking when we compare Burke’s writings with certain passages in his college textbooks in philosophy.

Burgersdijk, for example, speaks of the “dialectical syllogism” and says that those persons are in error who maintain

²¹ Burke to Garret Nagle, undated but written after Burke had left Ireland, in *New Monthly Magazine*, XVI (1826), 157. Burke refers to the book in this place simply as *The Art of Thinking*, but as it is by this title that Stubbs lists it, LeClerc’s work is doubtless meant. I have made a careful and extensive search for meaningful references to Burke’s other college textbooks in his latter writings, but without success.

²² *Corr.*, I, 33.

²³ *Burke and the Revolt against the Eighteenth Century*, 252.

that this kind of syllogism produces opinion only from probable premises. "For there are many sources which supply arguments, not apodictic to be sure, but still necessary: which, even though they do not generate knowledge strictly so called, nonetheless produce a firm and undoubting assent." He adduces as an example of a dialectical proposition the proposition that mothers love their children. All men consider it true, yet we all know that some mothers do not love their children.²⁴ Burgersdijck's doctrine on this matter is significant, because to Burke's mind most moral arguments and conclusions fell into just this category. Burke rejected the rigid argumentation and unbending universal conclusions of men whom he condemned as political metaphysicians. Yet he did not for that reason dismiss the idea of a natural moral law or of valid moral argument.

Again, Burke's conception of the divine concordance of the universe is latent in Burgersdijck's restatement of the traditional thesis that "there is only one absolutely first cause, namely God. For all things depend on God, in their coming into existence, and in their continued existence, and in their actions. . . . All things are said to depend on God, insofar as they are made, by reason of creation, . . . when they are made, by reason of conservation: when they act, by reason of providence, either ordinary or extraordinary."²⁵ There is nothing unusual in what Burgersdijck says here. It is ordinary and accepted scholastic doctrine, and Burke could have read it in a hundred places. But it is this doctrine that ultimately lies behind Burke's theory of political obligation.

From Smiglecki we get an explanation of the Aristotelian distinction between speculative and practical knowledge. Speculative thought aims at truth, whereas practical thought aims at some action to be performed or some result to be

²⁴ *Op. cit.*, lib. II, cap. 15, pp. 211-212. In this as in all subsequent quotations from the textbooks used in Trinity College, the translation is mine.

²⁵ *Ibid.*, lib. I, cap. 17, p. 72.

accomplished. Speculative knowledge, in other words, is "pure" knowledge, or knowledge of the truth simply because it is truth and worth knowing in itself. Practical knowledge aims at truth too, of course, but the relation of this truth to the use to which it can be put, says Smiglecki, is intrinsic to it. Some kinds of knowledge, that is to say, are practical by their nature, whether or not the person who studies them has the intention of using them. In this category he would put moral philosophy, art, and prudence.²⁶ Politics, it was taken for granted in his day, was a subdivision of morals.

The radical difference between the two kinds of knowledge is that the object of speculative knowledge is the necessary, while the object of practical knowledge is the contingent and variable. It follows from this, says Smiglecki, that no practical knowledge is truly and properly a science, because science, as Aristotle had taught, is knowledge of the necessary.²⁷ It would seem further to follow that any attempt to make politics a science on the model of metaphysics or mathematics was foredoomed to failure. The significance of this for Burke's thought is obvious.

The distinction between speculative and practical disciplines was taken up again in Baron's *Metaphysica generalis*. Speculative disciplines, says Baron, are concerned with the necessary, which is beyond our control, and therefore they aim only at contemplation of the truth when known. But practical disciplines are concerned with the contingent, which depends on us and is within our power. These disciplines therefore are concerned with action.²⁸

A further distinction between the two is that whereas speculative reason judges of truth or falsehood, practical reason judges of good and evil.²⁹ A person thinking speculatively determines whether or not something is true. But

²⁶ *Op. cit.*, disp. XVII, q. 5, pp. 710-713.

²⁷ *Ibid.*, disp. XVI, q. 7, pp. 640 ff.

²⁸ *Op. cit.*, pp. 1-3.

²⁹ *Ibid.*, p. 326.

the same person when thinking practically is concerned with whether or not something should be done, and therefore with whether it is good or bad. Burke echoed Baron by putting political thought in the category of practical reason. "Political problems," he said, "do not primarily concern truth or falsehood. They relate to good or evil."³⁰ In this statement, which clearly assumes the Aristotelian and scholastic doctrine of prudence, lies the explanation of Burke's rejection of "metaphysics," by which he meant mathematicism in politics.

Eustachius distinguishes, in his *Ethica*, between moral philosophy and prudence. Moral philosophy has to do with the direction of human conduct, but in general and even universal terms, and its aim is to demonstrate the constant and indubitable truth of moral principles. It therefore establishes the constant ends of moral action and considers as well the means of attaining them. Prudence on the other hand deals only with the choice of means to the ends established by moral philosophy. Its function therefore is to deliberate about that choice, not to demonstrate general truths. For prudence considers individual actions in their concrete circumstances. It is thus related to moral philosophy as an inferior to a superior function.³¹ The relationship is substantially the same as that which exists between Burke's "principles" and his "prudence" or "expedience."

In explaining the investigation of the facts which must precede the making of a prudential decision, Eustachius points to contingency as the reason why such an investigation is necessary. Decision, he says, follows upon a judgment of reason about what is to be done in a particular situation. But there is a great deal of uncertainty in such judgments, because actions concern individual and contingent objects, and therefore practical judgments require previous

³⁰ *Works*, VI, 210.

³¹ *Op. cit.*, pp. 2-3.

study of the facts, deliberation, and consultation.³² Burke in his turn said the same thing and made prudence the chief of the political virtues precisely because of the element of contingency in political affairs.

Finally, Burke should have and probably did study the Thomistic theory of natural law in Sanderson's *De obligatione conscientiae*. When we find Burke in 1761 speaking of "a superior Law, which it is not in the power of any community, or of the whole race of man, to alter—I mean the will of Him, who gave us our nature, and in giving impressed an invariable Law upon it,"³³ we are struck by the similarity between his words and Sanderson's. As God gave the brute animals their natural instincts to guide them, says Sanderson, so He gave "man a natural law proportioned to his nature as a rational creature This natural law is an impression [on man] of that eternal and archetypal law which is in the divine mind; and is part of that divine image on which man is said originally to have been founded and formed in *Genesis* I" ³⁴

The natural law, Sanderson continues, consists of various practical principles, which are reducible to one basic and universal principle, namely, that good must be done and evil avoided. This first and universal principle is known to man by what is called *synderesis*. The other, more particular principles or laws are derived from it as conclusions are derived from premises. Of these derived laws, some, which are called primary, are said to be of the first dictate of nature and are closely joined to the fundamental principle. Others are more remotely connected with the fundamental principle and follow from it only secondarily and in virtue of the primary principles. The primary principles of the natural law are so evidently true as to compel assent as soon as they are presented to the mind. It is therefore never permissible to

³² *Ibid.*, p. 72.

³⁴ *Op. cit.*, pp. 137-138.

³³ *Works*, IX, 349-350.

call their truth into doubt, nor is it possible for anyone who understands their terms to be in error about them. Examples of these primary principles are that God must be worshiped, and that injury must be done to no one. But both doubt and error are possible, and frequently so, in regard to the more remote or secondary principles "because of the discrepancy which can arise from circumstances."

Not only is error possible in regard to the secondary principles, but even when accurately known, they are not applicable everywhere and always. Take, for example, such secondary precepts as that parents must be honored and children cared for, or that one must spare the life of his fellow men and return borrowed goods to their owners. These precepts are to be observed generally and for the most part, but not simply and absolutely. For it can happen that at certain times and places an exception is called for. Thus, one must disregard the commands of parents when the love of God demands it. There can be just reason for abandoning children or taking another's life. Nor ought one to return a borrowed sword to a raving madman. Exceptions, then, can be made to secondary principles of the natural law, not, however to primary principles. In general we may say that "the primary and universal principles are more certain than the secondary and particular ones in proportion as they are less conditioned by circumstances."³⁵

With these words concludes a very sketchy summary of certain significant aspects of the scholastic philosophy which Burke studied in Trinity College. The resemblance between his mature political thought and his textbook philosophy is marked. Resemblance, it need not be said, does not prove derivation. Nonetheless, it is clear that the master ideas of the divine order of the universe, the natural moral law, and the moral virtue of prudence had been set before Burke's

³⁵ *Ibid.*, pp. 139 ff.

mind while he was a Trinity student. When we again encounter the same ideas in his political writings in later life, it is perhaps not precipitous to conclude that they are derived, at least in part, from the dull and heavy tomes with which he had struggled as a youth in Dublin.

Appendix B

The People as the Source of Political Power

THERE EXISTS in the Royal Archives in Windsor Castle a manuscript entitled "The Voice of Reason"¹ and attributed to Edmund Burke, which presents the doctrine of the people as the source of all political power in even clearer and stronger terms than is done in his other writings. Since Burke's authorship of this essay is not certain,² I have thought it better to present its contents separately from the main argument in the text.

"The Voice of Reason," was written during the Regency Debates of 1788-1789. King George III, who for some time had been in bad health, on 5 November 1788 became decidedly insane. It was admitted both by the government party under the younger Pitt and the Whigs under Charles James Fox that the Prince of Wales must become regent, but there arose a lengthy debate, concluded eventually by the king's recovery, over the terms on which the Prince should assume the regency. The theoretical question was whether he became regent as of right, or whether the exercise of the royal authority had to be conferred on him by Parliament.

¹ MS 38403-11.

² In a letter to me Miss Leta Smith, Registrar of the Royal Archives, Windsor, said: "The manuscript is not in Edmund Burke's handwriting and is attributed to him mainly because it is endorsed 'Mr. Burke' in a contemporary hand. An endorsement in the same hand appears on some rough notes at about the same date, 1789, which are in Edmund Burke's own handwriting. As far as we can judge, the 'Voice of Reason' was copied and the endorsements in both cases were made by the same writer. There is no other evidence, I am afraid, to show that Burke was the author of the manuscript."

The practical question was whether Parliament could limit the Prince's exercise of the royal authority during the regency—which it could do only if it conferred that authority. Despite the high plane of constitutional theory on which these questions were argued, the debate was in fact a political party squabble. Everyone knew that the Foxites would take office as soon as the Prince became regent, and the issue was simply whether the Pittite majority in Parliament could tie their hands beforehand by limiting the powers of the regent. Burke threw himself passionately into the debate in defense of the Prince's strict right to the regency.

In this essay Burke (assuming that he is the author) asserts that the nation is the source of all political power; that it has delegated some of its rights and powers to Parliament, but not all; and that the royal authority is derived immediately from the people and not through Parliament. Parliament therefore cannot claim jurisdiction over the royal power, and for it to do so would be an encroachment on "the inherent undelegated rights of the people."

Two passages contain the kernel of Burke's doctrine. In the first he says:

It will readily be granted, because it cannot be denied, that the great original source of all rights and all power is the Nation itself; and it will then follow, that the Nation has delegated thro the means of its Constitution, such parts and portions of those rights and powers to the several branches of the Government as are fit and necessary to answer all the good purposes thereof. But it certainly has not delegated away *all* its rights, because where no right remains slavery begins.

There are yet remaining to the great bulk of the Nation, as well the unrepresented as the represented parts thereof, a great body of inherent *undelegated rights*, many of which are of too sacred a Nature to be made even the subject of parliamentary discussion. The Parliament cannot alter the Constitution, because the Constitution is the property of the Nation and not of the Government. It cannot annihilate the religion of the

Country and establish an unknown one, because the right to religion is a right the people hold from God. These and many other instances may be produced to shew that there are rights inherent in the Nation, not delegated to Parliament, and that to introduce them into Parliament under any shape whatever serves no other purpose in the end than to encrease the powers of Parliament beyond what the Constitution gives it, and to curtail and lessen the inherent undelegated rights of the people.

In the second passage Burke speaks of "the regal Power" and says:

In short it is neither more or less than the Majesty of all the people collected to [a] center, and is that disinterested power in the Constitution which is to arbitrate between the jarring interests of the Parts. In order thereof to do this, it must not . . . be the creature of the Parliament, but must originate from the Womb of the Nation, and stand on the broad basis of universal Authority.

Burke was later to say that he wrote the *Reflections on the Revolution in France* in order to propound those principles of royal succession on which the accession of the Prince of Wales (and so the fortunes of the Whig party and of his own family) depended.³ His position in the Regency Debates thus marks the transition between his early opposition to Crown influence as the great threat to the constitution, and his strenuous defense of the rights of sovereigns in the French Revolutionary period. The principles enunciated in "The Voice of Reason," if they are indeed Burke's, show the theoretical consistency of the two positions. The key to Burke's theory of government is the notion of political power as a delegated but normally irrevocable trust from the whole nation or people, and this explains why he could at different times and without inconsistency oppose the claims of the Crown, of Parliament, and of the majority of the people.

³ Burke to Fitzwilliam, 5 June 1791, Fitzwilliam MSS (Sheffield); Burke to Weddell, 31 Jan. 1792, *Corr.*, III, 399 ff.

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